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A

NARRATIVE

OF

OCCURRENCES

IN THE

INDIAN COUNTRIES OF NORTH AMERICA,

SINCE THE CONNEXION OF

THE RIGHT HON. THE EARL OF SELKIRK

WITH THE

HUDSON'S BAY COMPANY,

AND

HIS ATTEMPT TO ESTABLISH A COLONY ON THE RED RIVER;

WITH A DETAILED ACCOUNT

OF

HIS LORDSHIP'S MILITARY EXPEDITION TO, AND SUBSEQUENT PROCEEDINGS AT FORT WILLIAM, IN UPPER CANADA.

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PREFACE.

AFTER the appearance of Lord Selkirk's Pamphlet, entitled, "A Sketch of the British Fur "Trade in North America; with Observations relative to the North-West Company of Mon-"treal," and some other Publications which issued from the press about the same time on the same subject, the Author of the following pages had proposed to reply to them; but Sir Alexander M'Kenzie, to whose authority Lord Selkirk so often appeals, and whom he so often misrepresents, was desirous of taking up the discussion; an intention, the execution of which, circumstances alone have hitherto delayed. Upon further consideration of the subsequent transactions in which Lord Selkirk was involved, and of the unfortunate occurrences in the Interior of the North-West Country, all of which must become the subject of examination in Courts of Justice in England, it was deemed unfair by the Representatives of the North-West Company, to publish an *ex parte* statement of evidence, which might influless have added fresh and unfounded criminations of their own to his Lordship's interested and suspicious invectives.

The following extract from that Review:

> "At Montreal, we presume, he writes his 'Sketch of the
> " Fur Trade,' which is well calculated to bring down pub-
> " lic indignation on the heads of those who conduct, or who
> " are concerned in it. The pains that appear to be taken,
> " and the plans that are laid, to seduce the inoffensive savages
> " into habits of vice, in order that the 'Traders' may the
> " more easily exercise a brutal tyranny over them; and the
> " ferocious and unfeeling conduct of the Canadian Rivals in
> " the Fur Trade towards each other, setting at defiance all re-
> " ligion, morality, and law, are stated in such terms and on
> " such evidence, that they are not only 'deserving the early
> " attention of the public,' but will command it, and we
> " doubt not, call forth the immediate interference of the
> " Legislature"—

is both, as to any evidence given in Lord Selkirk's pamphlet, as in fact, untrue.

Sir Alexander M'Kenzie has certainly accused the Traders who penetrated into the country immediately after the conquest of Canada, of violence and excesses; but he has also shewn, that the present Association was formed to repress those irregularities and enormities, and although subsequently to the formation of that Association, an opposition took place in the Trade, which to a certain degree renewed those scenes; yet on the junction of the two parties, they immediately ceased, and until Lord Selkirk's interference, tranquillity and peace were universally established.

The Quarterly Review supposes Lord Selkirk to have been the first person to complain of the lawless proceedings he denounces. The Office of the Colonial Secretary would shew abundant proof of complaints preferred against such abuses, *and beyond complaints*, of substantial remedies proposed to remove the cause of them. The Act of the 43rd of the King, was passed at the earnest entreaty of the Merchants in England, interested in the Trade. Their characters are not unknown, and they can refer to their conduct before the Public, for proof no less equivocal than any that can be advanced by Lord Selkirk, of their zeal and exertions to promote the true interests of philanthropy and humanity.

His Lordship has, however, thought proper to bring directly against them, a charge, (one of the most heavy to be found in his libel), of encouraging the use of spirituous liquors among the Indian Tribes, or at least, of opposing any regulations which might be proposed to limit or prohibit it. Of the falsehood of this accusation, it is in their power to bring abundant proof. Some years ago, when they could little expect his Lordship's views were different from those ascribed to him by his present supporters, several meetings took place between the Noble Lord and some of the persons in London, to whom he has alluded, the object of which was, to consider and adopt suggestions and regulations, for the prevention of a practice, in truth, as little consonant to the interests, as to the feelings of the Gentlemen accused. At one of these meetings Mr. Wilberforce was present, and he will probably have some recollection of the readiness expressed by the Canadian Merchants, to concur in any practicable plan, by which so desirable an arrangement could be effected, but that they then doubted, as they still doubt, the efficacy, and therefore the policy, of any legislative interference in the matter. They stated, and they know that it would be extremely difficult, if not impossible, to enforce the provisions of an Act of Parliament, which might be readily obeyed by one class of persons, and evaded by another. There are certain Indians, or rather mixed population of Indians and Canadians, in the Plains, on whom the Traders are dependant for food, and with whose habits and customs it would be dangerous, suddenly to interfere. If such interference were to take place, the Trade must be exposed to the rivalship of American Citizens on the Mississouri, who would have little scruple in making use of any means to acquire or preserve an influence otherwise unattainable. Subsequently, indeed, the very Colony established by Lord Selkirk, would have rendered any legislative provisions inefficient. Does his Lordship really suppose it would have been possible to prevent his Colonists, *such as they are described to be*, from clandestinely distilling their grain, (for which they could have no sale or demand), when they cannot be deterred from doing so at home, with all the vigilance and severity which the Law can exercise to prevent this practice? If, however, the use of spirituous liquors could not be wholly dispensed with, or prohibited, it might at least, by judicious regulations, and a proper understanding between the Traders, be restrained; and this, at the meeting which took place, as above mentioned, the Merchants offered their best endeavours to effect.

Great improvements had taken place in this respect before Lord Selkirk's interference, which it is essential to state, that he may not lay claim to the little merit the reviled Fur Traders are entitled to on the subject. It was shewn by accounts produced at the meeting, that the quantity of spirituous liquors introduced into the North-West Country, had in the two preceding years been reduced from 50,000 to 10,000 gallons; no great quantity, considering there were at that time 2000 white persons in their employment, of which the greater number were to pass the winter in a Siberian climate. It is true, they had succeeded in so rapidly and effectually reducing the quantity, in consequence of the union of the Companies; but after that union, it was the first reform they made, conscious 'that the success of their Trade, and the security of their persons and property, were equally promoted with their own wishes on the subject, by moral improvement in the habits of the Indians. Will the reader believe, or rather, will the Editors of the Quarterly Review believe, that at that very meeting, the Merchants stated, and were ready to prove, that the introduction of spirituous liquors amongst any tribe or nation of Indians discovered for the first time in their remote researches by the North-West Company, was strictly prohibited? Indeed, so faithfully has this principle been maintained, that to this hour the use of it is unknown to them.

So much it was necessary to observe in this Preface, in answer to the unfounded calumnies on this interesting subject. The Author is less solicitous upon the other points urged by Lord Selkirk and his friends: the Courts of Justice in Canada will have no difficulty in rebutting the charges by which they are assailed; and the Editors of the Quarterly Review must surely be aware, that if such transactions as are detailed in this pamphlet by Lord Selkirk, are justified by truth, an appeal to His Majesty's Government, for the reform of abuses so scandalous, or the public exposure of them by Lord Selkirk in his place in Parliament, would have been a much more proper course for the Noble Lord to pursue, than that he has thought it not beneath the dignity of his station to adopt.

The colouring attempted to be given to the lamentable scene in which Mr. Semple perished, will be removed by the facts of the case, as detailed in the Narrative; and it is hardly necessary to refute the misrepresentation on this subject, into which Lord Selkirk's friend in the Quarterly Review has been led by his zeal in the cause, and of which Lord Selkirk himself is not guilty. It is stated, that when *his Lordship received intelligence of this event at Montreal,* he engaged, and took with him, the Meuron soldiers, to ensure the apprehension of the persons engaged in it. This happens to be utterly destitute of truth: Lord Selkirk, without any knowledge of this transaction, or the least reason to presume *(unless indeed from the instructions he had given, which might produce such mischief),* that any affray or quarrel could have taken place, engaged these mercenaries at Montreal, for the purposes to which their services were afterwards applied.

This fatal catastrophe has, however, been artfully improved by Lord Selkirk. He seems to have expected, that the public compassion for the tragical death of an amiable and meritorious individual, would shield his Lordship's prior usurpations and subsequent outrages, from all investigation. He hoped that those, to whom in a body he ascribed the premeditated murder of that Gentleman, would be so overpowered by the clamour against their own imputed guilt, that they should raise ther voice in vain to seek justice and indemnification for his Lordship's unparalleled invasions of their rights and property.

The delusion of these artifices and misrepresentations, however, will speedily pass away; and Lord Selkirk, after preferring charges, for which there does not exist a shadow of proof, will, in his turn, be called upon to answer for having advanced such an unfounded accusation. In the mean time, while Lord Selkirk exhibits the melancholy incident of Mr. Semple's death with theatrical decorations, to excite the popular feeling of this country in his own favour, the Members of the North-West Company sincerely regret the fate of a man, who appears to have been qualified to be a useful and honourable member of society, and who fell a sacrifice to the implicit fidelity with which he seems to have executed the commission with which he was entrusted. Mr. Semple appears to have been convinced that he was defending the sacred legal rights of his employer; and that to have permitted the Servants of the North-West Company to have used the liberty of passage on the soil claimed by Lord Selkirk, *as they and their predecessors had done for near a century*, would have been a violation of his duty. The feeling of devotion and fidelity was honourable to Mr. Semple, but if in truth he was made the instrument of illegal, unwarranted, and forcible aggressions, upon the undoubted rights of his fellow-subjects, it is to be lamented, that such a man should have fallen in asserting the unfounded claims of others.

The Writer is aware, that this Preface has extended to an unusual length, but he trusts that the reasons stated will be admitted as a sufficient apology. The object of the following pages, is not to refute the charges and calumnies of Lord Selkirk against the North-West Company in general, but to exhibit a faithful Narrative of the occurrences which had taken place, since the Earl of Selkirk was first brought into their neighbourhood by his political or commercial speculations. Other parts of Lord Selkirk's publication will receive the refutation of which they are so capable. In executing the task which the Author has undertaken, he has aimed chiefly at truth and accuracy in his statement of facts; and he trusts, that the faults of arrangement and style, which must be discerned in this publication, will be overlooked in the composition of one who has not been accustomed to write for the Public.

A

NARRATIVE,

&c. &c.

PREVIOUS to the year 1806, the Earl of Selkirk had been engaged in various landed and colonizing speculations in British North America, in the prosecution of which he visited Canada. In the course of his travels, his attention was naturally directed to the situation of the Trade, and particularly to that carried on with the Indians in the barter of Manufactured Goods and other articles, for Furs and Peltries, which, ever since the discovery and establishment of the Colony by the French, had been considered the chief branch of its commerce.

During his Lordship's residence in Montreal, he was received with the hospitality which so much characterizes the inhabitants of that city; and to none was he indebted for more pointed attention and civility, than to the Merchants connected with the Fur Trade, and more especially the Partners of the North-West Company. His enquiries into the nature and extent of the trade, and their particular Establishment, which had always been an object of curiosity to strangers visiting Canada, were readily answered by these Gentlemen, who withheld no information which could gratify the liberal and useful researches of a noble traveller. They remarked at the time, that these enquiries were more extended than usual; but they little expected that their confidential communications to a person expressing his admiration at the result of their exertions, and his sincere friendship and thankful acknowledgments to themselves, should have awakened the spirit of self-interest, which has subsequently been so apparent; still less did they suppose they were placing means in the hands of a commercial rival, to be applied first in opposition to their trade, and, after the failure of that experiment, in an attempt to effect the ruin of their establishment.

On the Noble Lord's return to England, he prosecuted with much anxiety the enquiries he had commenced in Canada, connected with this subject; and the situation of the Hudson's Bay Company, with the great advantages under which the Fur Trade might be conducted from Hudson's Bay, when compared with the obstacles and difficulties opposed to the Canadian Merchants, soon presented themselves to his discernment. The route to the remote and most valuable trading stations in the North-West Country was nearly two thousand miles more distant by interior communication, from Montreal than from Hudson's Bay; and it was evident, if the assumed rights of this Chartered Company to the *exclusive commerce and navigation of the Bay* were legal, by a strict enforcement of them, the whole Fur Trade might be diverted into that channel. His Lordship communicated his ideas on the subject, though very partially, to a gentleman then in England, who had been long interested in the North-West Company, and to whom the public are indebted for a description of the country, and of his own voyages and discoveries. In consequence of this communication, an agreement was subsequently entered into by Lord Selkirk and this gentleman, to speculate in the Stock of the Hudson's Bay Company, without any definite object on the part of his Lordship's associate, beyond possibly a re-sale at an enhanced price, when a sufficient amount should have been procured to enable them to exercise a beneficial influence in the management of the Company's concerns, and thereby to increase the value of their stock.

The moment was peculiarly favourable for their purpose: the Stock of the Company had fallen from 250 per cent. to between 50 and 60, in consequence of misfortune, or mismanagement of their affairs, which were in a state of rapid decay, and considered bordering upon insolvency, no Dividend having been paid for several years. Under such circumstances, considerable purchases were easily made by the parties; but his Lordship's views becoming enlarged with the extended knowledge he obtained of the supposed rights conferred upon the Company by Charter, a disagreement took place as to the further objects they had originally in view; and, after some legal proceedings, an arrangement was made between the parties, by which Lord Selkirk became proprietor of the greatest part of the Stock acquired on their joint account.

Being thus disengaged from any connection which could interfere with his views, and having established for himself a sufficient footing in the affairs of the Company, Lord Selkirk extended his purchases to the amount nearly of 40,000*l.* the whole amount of the Company's Stock being rather under 100,000*l.* Several Members of the Committee immediately made way for the appointment of his near relatives and friends to the Direction, and from this period, his Lordship may be considered as possessing an unlimited influence and controul in the management of the affairs, and disposal of the property of the Company. Although more activity was perceived in the general conduct of their concerns, some time elapsed before his Lordship's ultimate objects and plans were disclosed; but his preparations being then made, a General Court was convened by public notice, in the month of May 1811. The Proprietors were informed at this Meeting, that the Governor and Committee considered it beneficial to their general interests, to grant to his Lordship in fee simple, about 116,000 square miles of what *was supposed* to be their territory, on condition that he should establish a Colony on the Grant, and furnish, on certain terms, from among the Settlers, such labourers as are required by the Company in their trade. The Proprietors did not see in these conditions any sufficient consideration for the Grant; and every one present, with the exception of the Noble Lord and the Committee, signed and delivered a Protest* against it to the Court. Notwithstanding this opposition the Grant was confirmed, and his Lordship became the ideal proprietor of a domain exceeding in extent the kingdom of England, with only one objection to the title, that with respect to the right of the grantors, they had equal power to assign him a similar kingdom in the moon.

In addition to the Protest offered by the Proprietors, remonstrances were made against the wild and hopeless project of establishing the proposed Colony, by every person interested in the trade of the country; and it may be desirable here to state the situation and circumstances, under the full knowledge of which, Lord Selkirk determined to persevere in his schemes.

The distance between the spot where the first Settlement was afterwards formed, and York Factory, in Hudson's Bay, the point of communication with the sea, is, by actual admeasurement, 725 miles: and the navigation, such as it is, may be called open between the months of June and October; but during much of that season, the brooks, forming the communication, ,are nearly dry, and the whole route is only practicable in small boats or canoes. The journey, or voyage, is performed by loaded boats in about thirty days, and provisions must be taken for the whole time, as none are to be procured on the route. There are numerous portages, where the boats or canoes, in the best season, must be carried or hauled over the land*. The distance of the Red River from Lake Superior, is rather greater than from Hudson's Bay: and from Montreal, by the nearest route, (that of Lake Superior), about 2300 miles. The distance from the nearest inhabited part of Upper Canada, which may possibly be another Colony of Lord Selkirk's, called Ball-Down, is about 1600 miles. It must be very obvious, from the distances here described, and the difficulty of communication, which is only practicable in birch-bark canoes, that no market could be found, beyond the immediate consumption of the Colonists, for the agricultural produce of a Settlement so situated. The climate is undoubtedly healthy, although during winter the severity of the frost, and prevailing gales of wind, is very great: the Forks of the Red River being situated in latitude 50

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* Appendix, No. I.

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* See particulars in Appendix, No. III. Admeasurement made by Mr. Thompson, Geographer to the North-West Company.

West, about three degrees north of Quebec. The country in the neighbourhood of the proposed Settlement, consists of extensive plains, and the soil, excepting partially on the banks of the rivers, is light and unproductive. The scarcity of wood, in a country in every other situation abounding with it, is the best proof of the quality of the soil, the natural produce of which is only a coarse benty grass, the food of innumerable herds of buffaloe which are fed on the plains. Different tribes of Indians are scattered over this district, and establish themselves in hunting parties and encampments, to procure provisions for the Traders of the North-West and Hudson's Bay Companies, who have several Forts or Posts there, maintained more for this object than for that of procuring Peltries; there is also some trade in Furs, principally wolf and fox-skins; and occasionally Indians from the head of the Mississippi, and the Mississouri Rivers, bring the produce of their hunt to trade at the Red River Establishments. All these natives are much molested, and frequently attacked by other bands of the plains, called, from their habits, *les Pilleurs,* or Plunderers; who, from living in a country abounding with horses, which enable them to lead a wandering and predatory life, and being well supplied with food and clothing from the herds of buffaloe in the plains, are independent of assistance from, and connexion with the Traders. Their incursions are rapid and destructive, and the nature of the country permits them to cover their retreat, by setting fire to the grass, which is often done for this purpose, and in their defence, by the natives. A gentleman describing this practice, says, " I have often seen the grass set on fire, both " from the drunken freak of a capricious Indian, " and to cover the retreat of a war-party; and " in high gales of wind, the flames spreading with " the rapidity of a horse in a round gallop, till " five or six hundred square miles were burnt " without interruption."

The Fur Traders of all parties were not backward in representing to Lord Selkirk and the Committee of the Hudson's Bay Company, their objections to their attempt to colonize this remote and inhospitable region, which might in its consequences endanger their interests and security. It was proposed to send out poor and ignorant Settlers, who could be subject to no legal controul, and unaccustomed to the manners and habits of the Indians, always jealous of agricultural encroachment on their hunting grounds.

The Traders, especially those connected with Canada, had, by long intercourse, acquired the confidence of those Tribes; they were acquainted with their manners, and knew how to avoid the occasions of dissention and irritation, which the ignorance of strangers so frequently ministers to their jealous and irritable character. It was obvious to them that an attempt by a body of Englishmen, to establish a Colony in the heart of the Indian Territory, was in itself pregnant with danger to all those by whom these regions were frequented. When the probable result of the attempt was contemplated—when it was considered that the new Settlers, compelled by want, disgust, and despair, might be brought into collision with the Indian Tribes, and the mixed population sprung from the intercourse of the Traders with the Indian women, and some of whom are engaged in the service of the North-West Company—it was easy to see, that this extravagant scheme subjected the Trader equally with the Colonist, to extreme hazard and danger.

To the North-West Company this establishment was peculiarly objectionable: they denied the right, either of the Hudson's Bay Company or Lord Selkirk, to *any part* of the Territory ceded to him, of which their predecessors and themselves had been in occupany for at least a century. They were aware, that it was further intended to enforce against them the penalties provided by the Charter, of seizure of their persons and confiscation of their property, as *interlopers* on the Territories absurdly claimed by the Company; and they saw in the terms on which the Grant was made, that the establishment of this Colony was only a pretext to induce Settlers to emigrate, and thus to introduce into the country at an inconsiderable expence, a sufficient number of persons to carry into effect the Noble Lord's plans of aggression and competition against their trade.

The North-West Company was founded in 1783, by an association of Traders, prior to that time engaged in rival undertakings, and who, on the conquest of Canada, following the footsteps of their predecessors, the French Colonists, had engaged in the trade. Every Legal Opinion* they had been able to obtain, strengthened their determination to resist these proceedings; and the following Abstract of the History and Discovery of the Country, will show the grounds on which they founded their opposition, and will appear at least to justify it, till a legal decision had been obtained by the Hudson's Bay Company, or Lord Selkirk, in confirmation of the validity of their claims.

Hudson's Bay had been discovered prior to the attempt in which Hudson perished in 1610; but from the voyage of Sir Thomas Button in 1611, till the year 1667, it appears to have been wholly neglected by the English government and nation†. In the latter year, the communication between Canada and the Bay was discovered by two Canadian gentlemen, Messrs. Raddisson and De Groselliers, who were conducted thither across the country by Indians. Succeeding in this, they returned to Quebec, and offered the merchants to conduct ships to Hudson's Bay, the proximity of which to the principal Fur districts, was now ascertained. This proposal was rejected, as well as a subsequent one to the French government at Paris: there they were persuaded by the English Ambassador to go to London, where they were favourably received by some merchants, and persons of quality, who entrusted a Mr. Gillam, long accustomed to the Newfoundland trade, to prosecute the discovery. Mr. Gillam sailed in the Nonsuch ketch, in 1667, into Baffin's Bay, to the height of 75° north latitude, and from thence southward to 51°, where he entered a river, to which he gave the name of Prince Rupert's; and finding the Indians friendly, erected a small Fort. The persons interested in this vessel, upon the return of Gillam, applied to Charles the Second for a Patent, who granted them the Hudson's Bay Charter, dated the 2d May, 1670.

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* Appendix, Nos. IV. V. VI.

† See Harris's Voyages, vol. ii. pp. 245—286.

In that year the Company sent out a Mr. Bailey, Governor, who with Mr. Raddisson, settled at Rupert's River, and established Fort Nelson; and that these Establishments were then considered an encroachment on the French Province, is evident, from the instructions to Mr. Henry Sargeant, who succeeded as Governor at Rupert's River in 1683, which enjoined him to be careful of the French, who were already jealous of the Trade. In 1686 the Hudson's Bay Company had five Forts, which, *though all on the shores of the sea*, so much increased the jealousy of the French, that Chevalier de Troyes was sent overland from

Canada to attack them; and in July of that year, the two Nations being then in a state of profound peace, and the two Governments in more than amicable understanding, Mr. Sargeant was compelled to surrender his Fort to the Chevalier, after a defence of a week. In the period from 1693 to 1696, these Forts were all retaken, and again captured by the French in the succeeding war. At the Peace of Utrecht they were restored to the English Government, and by the 10th Article* of that Treaty, it was stipulated that Commissioners should be appointed to settle the boundaries of the British Settlements with Canada, but none ever met for that purpose.

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* *Tenth Article of the Treaty of Utrecht, concluded in* 1713.

"The said Most Christian King shall restore to the Kingdom and Queen of Great Britain, to be possessed in full right for ever, the Bay and Straits of Hudson, together with all lands, seas, and sea-coasts, rivers, and places situate in the said Bay and Straits, and which belong thereunto; no tracts there, of land or of sea, being excepted, which are at present possessed by the Subjects of France. All which, as well as any buildings there made, in the condition they now are, and likewise all Fortresses there erected, either before or since the French seized the same, shall, within six months from the ratification of the present Treaty, or sooner if possible, be well and truly delivered to the British Subjects, having Commission from the Queen of Great Britain to demand and receive the same, entire and undemolished; together with all the cannon, &c. &c. It is, however, provided, that it may be entirely free for the Company of Quebec*, and all other the Subjects of the Most Christian King whatsoever, to go by land or by sea, whithersoever they please, out of the lands of the said Bay, together with all their goods, merchandizes, arms, and effects, except such things as are above reserved in this Article. But it is agreed on both sides, to determine within a year, by Commissaries to be forthwith

* This is a conclusive proof, that the *Company of Quebec* had discovered and explored the Interior, even to the immediate confines of Hudson's Bay, above sixty years before the Hudson's Bay Company ventured out of sight of the Bay; for it was after the year 1763, that the Servants of that Company first followed the Canadian Traders into the Interior.—Ed.

About 1628 or 1630, a Beaver Company was established in Canada, prior to the date of the Hudson's Bay Charter; and it is evident from the accounts of all writers on the subject, that the persons engaged in the latter Company never attempted to extend their Trade beyond the immediate confines of the sea, till subsequent to the cession of Canada in 1763, when the Trade of the Province was opened to all His Majesty's subjects. As the Canadian Traders, by penetrating into the Interior, were more successful, the Hudson's Bay Company followed their example by slow degrees, and established Posts in the countries previously occupied by the Canadians. These approaches of the Hudson's Bay Company experienced no molestation from their competitors; nor would any difficulties have now arisen, except those which naturally occur in the rivalship of trade, if the monstrous pretensions to the exclusive property and Trade of all territories through which any rivers or waters flow in their course to Hudson's Bay, had not been recently asserted by that Company and their Grantee.

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named by each party, the limits which are to be fixed between the said Bay of Hudson, and the places appertaining to the French; which limits both the British and French Subjects shall be wholly forbid to pass over, or thereby to go to each other by sea or by land."

The provisions of the Charter are in themselves, if legal, sufficiently extensive; but even the Grant contained in it, is only of Countries "*not occu-*" "*pied or discovered by the Subjects of any other*" "*Christian Prince or State;*" and it is perfectly evident from the facts above stated, that this could not include any part of the property ceded to Lord Selkirk. The Grant commences only at Lake Winnipic, at least 700 miles distant from either of the original Establishments of the Company in the Bay, and extends some hundred miles into the territory of the United States, *blotting from the map entirely the intermediate dependencies of Canada.*

The Earl of Selkirk's title appeared to the Canadians totally destitute of all authority, either from the legality of the Grant in point of law, or the powers of the Grantors as to the subject matter. He found others, at least in long undisputed occupation of what he claimed by virtue of an obsolete Charter, emanating from a prerogative which was extremely questionable; and which certainly has never in any instance been exercised by the Crown, nor recognized as legal by any judicial decision since the Revolution.

The North-West Company, therefore, candidly stated their objections, both to the Hudson's Bay Company and to Government, and their determination to maintain their own rights and possessions: at the same time they added, that however much they regretted the adoption of such measures on the part of the Hudson's Bay Company, they would be on all occasions ready to alleviate the distress of their unfortunate countrymen, who were doomed, as Colonists, to become victims to Lord Selkirk's visionary speculations. They further again expressly declared, that they would neither acknowledge the exclusive rights of trade, or power of jurisdiction, claimed by the Hudson's Bay Company; and that, until they should receive from His Majesty's Ministers, a distinct intimation that these rights were recognized and admitted by Government, they would resist any attempts to seize their property or persons, or to dispossess them of their trade, under these pretences.

Notwithstanding the impediments which thus appeared to the undertaking, either afraid of the result of a legal investigation into the merits of the case, or determined, at all events, to hazard the speculation on his own judgment, Lord Selkirk proceeded in the prosecution of his plans.

In order to form his Establishment, be began by addressing himself to the spirit of emigration which has long prevailed in some parts of Scotland and Ireland. Agents were employed in both countries to circulate Advertisements*, holding out the most fallacious prospects to Settlers in his intended Colony. The climate and soil were represented as superior to any in British North America: the culture of hemp and wool, held out as an inducement to the agriculturist, when his Lordship must have known, it was impossible to transport the former to the sea, and that the plains, where the flocks were to be maintained, are principally characterized by the immense troops of wolves which infest them. Liberty of conscience, freedom from taxes and tithes, and all the temptations of a *Land of Promise,* are painted in the most glowing colours, to induce these wretched people to abandon their country; and, in the winter of 1810 and 1811, a number of poor Irishmen were got together at Sligo, and sent to Stornaway, in the Island of Lewes, where they joined other Emigrants who had been inlisted or crimped in Scotland.

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* Appendix, No. II.

Some respectable families of a better class, comfortably situated in their own country, were also tempted by the offers of townships in the Grant, and the misrepresentations held out in the Prospectus, to join the expedition. From some of these, who had been induced to sell their little all to embark in the speculation, Lord Selkirk received the money arising from the sale, to account for it in land at the rate of 5*s.* per acre; although he must have been well aware, that this was above the price paid for excellent land in the best inhabited parts of Upper Canada*.

These Emigrants embarked in the spring of 1811, on board the Hudson's Bay Company's ships, and consisted of about 25 families, under the command of Mr. Miles Macdonell, appointed Governor of the Colony, whose name will be sufficiently conspicuous in the further account of his employer's proceedings. Their engagements were different: some to pay for their passages by labour for the Hudson's Bay Company; others, who had funds for that purpose, in money; and all were to be provided with food and maintenance till they reached the Colony. On their arrival at York Fort, it was too late to attempt the journey that season; and those only who are acquainted with the severity of the winter in such a climate, can form any idea of the miseries and wretchedness to which these poor people were exposed. There were no houses or huts prepared for their reception, and those which were contrived afterwards for their shelter, left them still exposed to the cold fogs and sea damps peculiar to the climate—the Traders of the Hudson's Bay Company living in the Factory, had no intimation to provide provisions for their maintenance; and the scantiness and badness of their food, soon added sickness and disease to the other miseries of their situation. The following extract of a letter written from the spot, may convey some faint idea of their sufferings:—"Take a view of the state of one "family, and it will shew you what the sufferings "of these people are: an old Highlander, his wife, "and five children, the youngest eight or nine

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* Amongst many other Affidavits of the unfortunate people who were so deceived, one by George Campbell, will be found in the Appendix, No. VII.

" years of age, poor, and consequently badly provided with clothing to encounter the rigours of a climate, where the hottest summer never thaws the ground to any considerable depth—see this family, sitting on the damp ground, freezing for want of sufficient covering, pinched and famishing for want of food; and the poor woman had to take the well-worn rug from her own miserable pallet, to sell for a little oat-meal to give her dying children, and in vain, for two of them did not survive this scene of misery."—If this was the state of one family, the miseries of the other Emigrants during their winter's residence at York Fort, may be conceived.

The task of proceeding to the Red River, was still to be undergone by these unfortunate people in the spring; the distance, as has been before stated, above 700 miles; the route the most difficult in the country, even for athletic and experienced batteaux-men, who have to carry and drag their boats a considerable part of the distance, over rough untrodden roads and rugged precipices, and through dangerous rapids and waterfalls. The task was doubly hard on the old and inexperienced farmer and labourer, who was obliged to perform it, followed by his unfortunate family, worn out with toil, and with scarcely sufficient food to preserve them from the effects of famine.

Arrived at the place of the proposed Colony on the Red River, in the autumn of 1812, Mr. Miles

Macdonell ordered all the people to assemble, and going through some farcical ceremonies, read his Commission as Lord Selkirk's Representative and Governor, when he was saluted by the Hudson's Bay Fort in the neighbourhood. The Indians, attracted by the ceremony, were no sooner informed of its intent, than they expressed themselves hostile to the Establishment, as had been foreseen, and foretold when it was projected. The Settlers had to prepare themselves for the ensuing winter, which already approached, and although the climate was less rigorous than that of York Fort, still, unprovided as they were with houses, clothing, or food, they could not but look forward to their situation with dismay. It was impossible to maintain them in a body, nor could the most active of the men procure subsistence by travelling over the immense lakes of snow in the plains, for want of deer-skin and snow-shoes, like persons who had been accustomed to the Fur Trade of the country. The families were accordingly distributed, as there was a chance of escaping famine, some in the Forts of the Hudson's Bay Company, others in the huts of *Free-men**, and in the families of friendly Indians, who permitted them to take shelter in their *tents*, calling them slaves, from the extreme wretchedness of their situation, which had rendered them more the objects of their compassion and contempt, than of their enmity. Those also who lived in the houses with the Governor, suffered much, and many could not have survived the winter, had it not been for the humanity of the North-West Traders, who often relieved them from actual famine, and gave or lent all the provisions they could obtain or spare to the Governor: they even took goods from him to procure provisions by barter from the Natives, which these would not sell, either to the Settlers or to the Hudson's Bay Company. In the spring, the Traders also gave and sold to Mr. Macdonell, articles of various descriptions; potatoes, barley, oats, and garden-seeds, four cows, a bull, pigs, fowls, &c. which had been brought at an enormous expence from Canada; and although still adverse to the motives under which the Settlement was established, did all in their power to relieve the distresses and wants of the Colonists. Mr. Macdonell was not backward in acknowledging his obligation for their assistance, both in his letters and in his verbal communications with the Traders; but these were soon forgotten when his difficulties diminished, and he was aware all his zeal was required in carrying into effect, by active measures, the views of his employer.

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* Canadians, or others, who having been employed in the service of the Traders, and having become accustomed to the Indian mode of life, or attached to native women, remain in the country, after being discharged from their engagements, and are called *Free-men*, to distinguish them from their countrymen who are *servants*.

The trade of both parties during this winter was carried on as usual; the Hudson's Bay Company did not attempt any extension of their Posts to the westward, and every thing remained quiet in the country.

Early in the spring of 1813, when he had so far, by the assistance of the North-West Traders, overcome the difficulties of his situation the preceding winter, Mr. Macdonell's conduct, which had hitherto been rather temporizing than friendly, became less equivocal. In his capacity of Governor, and Representative of Lord Selkirk, he told the Indians, they must take to him alone, for sale, their provisions or peltries, being the produce of lands of which his Lordship was proprietor, and on which, consequently, they could only hunt with his permission: a doctrine ridiculed by the Natives, but of a nature to rouse all the apprehensions of the Canadians, whose existence, not only on the Red River, but in great part of the country, depended upon the provisions procured at their Posts within Lord Selkirk's Grant. The present force of the Hudson's Bay Company's people and the Colonists, did not, it is true, create much alarm, as to their immediate danger, but it was impossible to judge to what extent both might be reinforced, and they were now alarmed that the doctrine of right, sought to be established, might be enforced by violence, when sufficient means were placed at the disposal of the Governor.

While Mr. Macdonell was thus employed at the Red River, Lord Selkirk was not less active in obtaining fresh recruits of Settlers, following the mode which has before been explained; and he got together, in the spring of 1812, at Stornaway, a considerable number, who were embarked in the Hudson's Bay Company's vessels. The ships were at first seized by the Collector of the Customs, in consequence of an attempt to send more persons on board than was permitted by the provisions of the law, *(commonly called Dundas's Act)*, regulating the number of passengers emigrating to America, according to the tonnage of the vessel in which they are embarked. This difficulty was, however, got over, doubtless on some partial representation of the case, and the vessels were permitted to sail with all their proposed cargoes to Hudson's Bay. Mutiny amongst the Emigrants was the first consequence of their cramped and uncomfortable state; the gaol-fever next broke out amongst them, which, it is understood, carried off a considerable number, either on board, or soon after they were landed at Churchill or York Forts, in the Bay.

This reinforcement of Colonists, increased by others who had arrived the preceding year at Churchill Fort, but whom it had not been possible to remove in time to accompany those who passed the last winter on the Red River, proceeded by the route formerly described, to the

Colony, where they arrived early in the winter of 1813, and formed a large accession to the numbers of the Settlement. Their sufferings were still great during the season; but more pains having been taken to provide for their subsistence, they were, in that respect, in a state of comfort, compared with their situation the preceding winter.

Being now more independent of assistance from the Canadian Traders, and encouraged by this great addition to the numbers of his establishment, Mr. Miles Macdonell lost no time in forming his determination as to his future proceedings. Early in the winter, information had been received on the Red River, by the North-West Expresses, of the successes of the Americans at Detroit, and on Lake Erie, and that there was great probability of all resources from Canada being cut off, which rendered the existence of the North-West Company's Posts precarious, and endangered the whole system of their Trade.

This opportunity of commencing his operations against the Canadian Traders, in pursuance, as will hereafter be shewn, of *the general instructions of Lord Selkirk*, was eagerly taken advantage of by his Governor: his principal establishment was fixed, so as to enable him to intercept the communication by which canoes with provisions might be sent to meet the people, employed in the remote stations, in Lake Winnipic, on their route to and from the principal depôt on Lake Superior; and if the intercourse with Canada should be intercepted, not only the canoe-men from the Northern Posts, but those from the nearer districts, would be obliged to fall back on the Red River department for subsistence. At this moment of imminent danger to their concerns, a general system of aggression and violence against their property, and their servants, was begun by Mr. Macdonell.—Under pretence that all the provisions raised in the country were required for the maintenance of the Colonists, parties of Settlers were sent to intercept the convoys of the Traders on their way to the Posts; their boats and canoes navigating the river were fired at from the Fort, and from batteries erected on the banks; brought to, and rigorously searched, and wherever provisions of any description could be found, they were plundered without hesitation. When it became necessary, in consequence of these outrages, to conceal the property, warrants were issued to apprehend the servants of the Company, on frivolous and vexatious pretences; but the object of all their examinations, when brought before the Governor in his magisterial capacity, was to discover the deposits where provisions were removed or concealed.—Great pains were taken to impress upon the minds of these servants, and the Indians, that the ruin of the North-West Company was at hand, and that it would be equally dangerous, and useless, to resist such coercive measures as the Governor had it in his power to apply, to drive them entirely from the country *.

The Partner of the North-West Company in charge of the Red River department, was placed by the conduct of Mr. Macdonell in the most distressing situation: still aware of the necessity of providing against a danger which threatened the entire ruin of their trade, he made every exertion to protect and secure in his Posts the provisions he had collected, and the other property under his charge; and the means of precaution and defence he resorted to, soon produced the following Proclamation from the *soi-disant* Governor of "Ossi-"niboia."

" PROCLAMATION.

" Whereas the Governor and Company of Hudson's Bay " have ceded to the Right Honourable Thomas Earl of Sel-" kirk, his Heirs and Successors, for ever, all that tract of " land or territory, bounded by a line running as follows, viz. " Beginning on the western shore of the Lake Winnipic, at a " point in fifty-two degrees and thirty minutes north latitude, " and thence running due west to the Lake Winnipiquarhish, " otherwise called Little Winnipic; then in a southerly di-" rection through the said Lake, so as to strike its western " shore in latitude fifty-two degrees; then due west to the " place where the parallel of forty-two degrees north lati-

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* The best evidence of these, and the future transactions, is that of the persons engaged in them, under the orders of Macdonell, which will be found in the Affidavits in the Appendix, viz.

James Toomy's, No. VIII;—James Pinkman's, No. IX;—Hugh Swords', No. X;—James Golden's, No. XI;—William Wallace's, No. XII.

" tude intersects the western branch of the Red River, " otherwise called Assiniboin River; then due south from " that point of intersection to the height of land which " separates the waters running into Hudson's Bay from " those of the Missisouri and Mississippi Rivers; then in " an easterly direction along the height of land to the source " of the River Winnipic, (meaning by such last named river, " the principal branch of the waters which unite in the Lake " Saginagae); thence along the main streams of those waters, and the middle of the several lakes through which " they flow, to the mouth of the Winnipic River; and " thence in a northerly direction, through the middle of the " Lake Winnipic, to the place of beginning, which territory " is called Ossiniboia, and of which I, the undersigned, " have been duly appointed Governor.

" And whereas the welfare of the families at present forming Settlements on the Red River, within the said territory, " with those on their way to it, passing the winter at York " or Churchill Forts, in Hudson's Bay, as also those who " are expected to arrive next autumn, renders it a necessary " and indispensible part of my duty to provide for their support. In the yet uncultivated state of the country, the ordinary resources derived from the buffalo and other wild " animals hunted within the territory, are not deemed more " than adequate for the requisite supply, wherefore it is hereby ordered, that no person trading in Furs or Provisions " within the territory for the Honourable Hudson's Bay Company, the North-West Company, or any Individual, or " unconnected Traders or persons whatever, shall take out any " provisions, either of flesh, dried meat, grain, or vegetables, " procured or raised within the said territory, by water or land-carriage, for one twelvemonth from the date hereof, save " and except what may be judged necessary for the trading " parties at this present within the territory, to carry them " to their respective destinations, and who may, on due ap-

" plication to me, obtain a license for the same. The provisions procured and raised as above, shall be taken for the " use of the Colony, and that no loss may accrue to the parties concerned, they will be paid for by British Bills at the " customary rates. And be it hereby further made known, " that whoever shall be detected in attempting to convey " out, or shall aid or assist in conveying out, or attempting to carry out, any provisions prohibited as above, either " by water or land-carriage, shall be taken into custody, " and prosecuted as the laws in such cases direct, and the " provision so taken, as well as any goods or chattels of " what nature so ever, which may be taken along with them, " and also the craft, carriages, and cattle, instrumental in " conveying away the same, to any part but the Settlement " on Red River, shall be forfeited.

" Given under my hand at Fort Daer, (Pembina), the " 8th day of January, 1814.

(Signed) " MILES MACDONELL, Governor.

" By order of the Governor,

(Signed) " JOHN SPENCER, Secretary."

Every thing now wore an alarming aspect to the Traders. With a view evidently of executing the threats contained in the Proclamation, the Governor regularly trained his people to the use of fire-arms, both musketry and artillery; and it will scarcely be credited, that the latter was supplied to Lord Selkirk by Government, on the pretence urged by him, that it was necessary for the defence of his Colony against the Americans*. He had

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* The following extract from Mr. Miles Macdonell's Letter to Mr. Cameron, is the best evidence on this subject:

" Do you know that Government furnished us last year from the also succeeded in making some impression on the minds of the Natives, that he acted under a direct, and not an assumed authority from His Majesty's Government; and being appointed in Canada, at the desire of Lord Selkirk, a Magistrate for the Indian Territories, he made no scruple of applying, according to his discretion and to existing circumstances, the authority best suited to the vexatious and oppressive system he had been directed to enforce.

A detail of the various acts of outrage committed by Mr. Macdonell this winter, would be equally tedious and unnecessary; but as one in particular led to his apprehension to take his trial in Lower Canada, under the provisions of the Act of the 43rd of the King, which he was appointed a Magistrate to enforce, it is essential to state it, that the proceedings subsequently adopted with respect to this transaction, may be understood.

Under the circumstances before mentioned, the North-West Partner had accumulated a supply of provisions at one of their Posts on the river, called *Riviere la Sourie,* upon which the subsistence of their people now principally depended. The Go-

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" Royal Arsenal at Woolwich, with a fine train of light field brass artillery, carriages, laboratory stores, fixed ammunition, &c. complete, " and also with 200 muskets, and 500 rounds of ball cartridges for each: " all these are now at York Fort, except a small part brought here. " We have also clothing sufficient for a corps: that of itself should sufficiently prove to the most sceptical, that we are under the protection " of Government."

vernor had long directed his attention to this depôt, and within a few days after the date of his Proclamation, under the pretext that it had been disobeyed, sent a person named John Spencer, whom he called, or had appointed, Sheriff for Lord Selkirk's Territory, to seize the Fort. Spencer finding resistance made by the persons in charge, and that there might be difficulty in executing his orders, and having some scruple about enforcing them without more particular instructions, returned, and reported these circumstances to his employer. Macdonell immediately issued his Warrant in a legal form, for the seizure of the Provisions (under which authority, of Governor or Magistrate, was not mentioned, nor is it matterial), which he delivered to the Sheriff, and reinforcing his former party with an additional number of armed men, directed him, according to the expression in his Warrant, " to break " open posts, locks, and doors," which might impede his proceeding. The party in charge of the Post being intimidated, made no further resistance than retiring within the stockades, and shutting the gate of the Fort. Spencer, in execution of the Warrant, directed his men to cut down the pickets with their axes, and entering the store by force of arms, plundered it of all the provisions it contained, consisting of 600 packages of dried meat and fat, weighing about 85 lbs. each, which were taken to the Hudson's Bay Company's Fort.

Soon after this robbery, the people of the North-West Company assembled, on their route from their different wintering-posts, at the depôt, where they expected their usual supply of provisions to carry them on to Fort William, and, being accompanied by numerous bands of Indians*, over whom they had an entire influence, might easily have recovered possession of their property, and retaliated with security on that of their opponents, had they been inclined to follow what Lord Selkirk, in his pamphlet, asserts to be the custom of the country, to decide their difference with his servants by *the rule of Indian law.* They, however, adopted a very different line of conduct, and to gain time to consult their friends at Fort William, temporized so far as to consent to receive back from Mr. Macdonell, on the condition even of repayment in the course of the autumn, part of the provisions of which they had been robbed. Thus enabled to proceed on their voyage, they arrived with the returns of the season at Lake Superior. At Fort William, the general rendezvous, they were met by their Partners from Montreal, and those from other parts of the Interior; and every account concurred, that a like violent system had been adopted by the servants of the Hudson's Bay Company throughout the country. It appeared also evident, from a letter of instructions from

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* The Speech of one of the Indian Chiefs, who was present on this occasion, is given in the Appendix, No. XIII. and will prove the ability then possessed by the North-West Company to retaliate Mr. Macdonell's violences, had it been their intention.

Lord Selkirk to one of their principal Agents, which fell into the possession of the Traders, that these proceedings emanated from his Lordship, with a determination to insist upon his supposed rights, by forcibly ejecting the Canadians from their possessions on what the Hudson's Bay Company *assumed as their exclusive territory and property.* This letter, addressed to a person sent to discover and occupy a remote post on the confines of Athabasca, where the Hudson's Bay Company had never till then formed an establishment, states the possibility that this attempt may meet with opposition from the Traders, and contains the following directions, which are best given in his Lordship's own words: " You must " give them" (the Canadians) " solemn warning, that the land belongs to the Hudson's Bay " Company, and that they must remove from it; " after this warning they should not be allowed to " cut any timber either for building or fuel; what " they have cut should be *openly* and *forcibly seized,* " and their *buildings destroyed.* In like manner " they should be warned not to fish in your waters, " and if they put down nets, *seize them as you* " *would in England those of a poacher.* We " are so fully advised of the unimpeachable validity of these rights of property, that there can " be no scruple in *enforcing them, wherever you* " *have the physical means.* If they make a forcible resistance, they are acting illegally, and

" are responsible for the consequences of what they " do, while you are safe, so long as you take only " the reasonable and necessary means of enforc" ing that which is your right."

His Lordship was perfectly informed, that the poor people inhabiting this wretched climate, are dependent on fish entirely for their subsistence during winter, and that the cold is so intense, as frequently to freeze mercury in the open air. Spirit thermometers are generally used, graduated down to 60° below Zero of Fahrenheit's scale.

With all this information before them, and aware that the gasconading, and successful depredations of Mr. Macdonell had already produced a considerable effect, by diminishing the impression of their consequence and power on the minds of the Indians, and of their own servants, on which the prosperity of their trade and *their personal safety* in a great measure depended, the North-West Company came to the determination of resisting to the utmost of their means, the further violences of their opponents, and, if possible, to make an example of Mr. Macdonell, and his Sheriff, Mr. Spencer, by precuring their arrest and trial at Montreal, for the offences they had committed in the spring of this year. Mr. Cameron, one of their Partners, a man of determined resolution, but unfortunately of an irritable temper, was entrusted with the execution of *these measures of self-defence*, and the conduct of the Red River department; and, matters having been so arranged, the different wintering Partners proceeded to their stations in the Interior, Mr. Cameron being provided with Warrants against Mr. Macdonell and Mr. Spencer, granted under the authority of the 43rd of the King, upon the information of persons who had been eye-witnesses of their proceedings.

But few Settlers had been sent out to Hudson's Bay in the preceding spring, in consequence, it is understood, of Lord Selkirk's disappointment in not obtaining a license for a ship, under an Act of Parliament passed during the winter, to obviate the difficulties he had before experienced in this respect, called *The Hudson's Bay Ships Passengers' Act*. By the provisions of this Law, it was required that, previous to obtaining the necessary License, the vessel intended to convey an extended number of passengers, should be surveyed, and reported sea-worthy, and fit to receive passengers, by the Commissioners of the Transport Board to the Board of Trade. The vessel provided by his Lordship *answering this description in no respect*, a License was refused; and consequently so many Settlers only were sent, as could be accommodated on board the Hudson's Bay Company's ships, and as *former experience* had shewn to be consistent with safety.

These Emigrants formed a small addition to the Colony in the autumn of 1814, and the Traders had no sooner returned to their wintering grounds, than disputes arose, as might have been expected, between the parties. The following legal notice was soon served upon Mr. Cameron, which left no hopes of any good understanding between him and Mr. Macdonell.

" *District of Ossiniboia.*

" *To Mr. Duncan Cameron, acting for the North-West Company at the Forks of the Red River.*

" Take Notice, that by the authority and on the behalf " of *your Landlord*, the Right Honourable Thomas Earl of " Selkirk, I do hereby warn you, and all your Associates of " the North-West Company, to quit the post and premises you now occupy at the Forks of Red River, within " six calendar months from the date hereof.

" Given under my hand, at Red River Settlement, this " twenty-first day of October, 1814.

(Signed) " MILES MACDONELL."

This was succeeded by a Correspondence relative to the arrangements made by Mr. Cameron's predecessor in the spring, for an exchange of provisions. A great deal has been said and published on this subject against this Gentleman, who possibly assumed more consequence in his situation than was intended, with a view to counteract the effect upon the Indians, of his adversary's misrepresentations; but the Correspondence seems to have been conducted on both sides, (and the remark applies equally at least to Macdonell), with more irritability and attention to party feelings, than to temper and discretion.

Similar notices to quit the territories of the Hudson's Bay Company and Lord Selkirk, were published and proclaimed throughout the country, and there was no doubt of the intention on their part of enforcing them. The conduct of Macdonell became more outrageous and violent than ever, not only towards his opponents, but also towards the Settlers under his protection. A great many of the latter, completely tired and disgusted with the experiment they had made, and satisfied it would be impossible to remain with any prospect of comfort, applied to Mr. Cameron* and his people, for assistance to proceed to Canada in the spring. This had been long their intention, but the difficulty of leaving the country was insurmountable, without the aid of the North-West Company; and from the time Macdonell heard of their application, they were refused provisions for their maintenance, and often put in irons and imprisoned, for having implored at the North-West Company's Fort, the means of saving themselves from starvation. This tyrannical conduct, added to the disgust of those among the Settlers who had sense to reflect on their situation, and who, aware also of the intention of the North-West Company to submit to no further violence without resistance, considered their safety might be implicated in the contest which would possibly ensue. Both the trading servants of the Hudson's Bay Company, and the Settlers, continued, as usual, to be trained to the use of fire-arms. They still laboured under great privations, notwithstanding the precautions which had been taken to provide provisions; and disgusted with the conduct of their Ruler, many of them determined to abandon the Colony altogether. On the approach of spring, they took refuge in the North-West Fort, and alarmed that Macdonell might make use of his artillery to blockade the rivers, and prevent their leaving the country, they took possession of all the cannon and ammunition, which was delivered up to Mr. Cameron at the same time.

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* Mr. Cameron is accused of having made use of all the influence he possessed with his countrymen, to persuade them to desert the Colony. *If this is the fact,* whatever may have been *his* motives, every *humane* person will rejoice that his influence was successful.

Mr. Spencer had been arrested early in the winter, on the Warrant issued against him, and sent down to Lake la Pluie: an attempt to rescue him having failed, from the Settlers refusing to make use of their fire-arms against the Canadians. An opportunity was afterwards taken of serving upon Mr. Macdonell the Warrant against him, to which he refused submission. Outwardly he treated the authority with great contempt, but in the meantime was busily preparing for measures of defence, if they should be necessary, by any subsequent attempt to secure his person. He posted up notices, that his Patron would grant pensions to all persons maimed and wounded in his service, according to their rank, (for he had made several appointments from the step of Captain to Ensign), and threatened the North-West Fort with instant hostilities, taking every opportunity of seizing their people and clerks as prisoners, when they were found in a defenceless situation. About this time he had also been sufficiently ill-advised to quarrel with the Free Canadians, and Half-breeds, on whom he depended for subsistence; and these people, unaccustomed to the commands of any superior, could not brook the treatment they experienced from the Governor, whom they distinguished by the appellation of *Chief of the Gardeners.* The consequence was innumerable scuffles and petty frays between the parties, which the Half-breeds asserted, began by a party of the Settlers firing upon one of theirs, peaceably proceeding along a road with an escort of provisions. The situation of the Colony and its Governor was thus rendered extremely dangerous; and on the arrival of one of the Agents of the North-West Company from Montreal, at the Post on the Red River, on the opening of the navigation, to enquire into the transactions of the winter, Macdonell surrendered himself quietly prisoner, and was taken in the canoes to Fort William, having been joined on the route by Mr. Spencer at Lake la Pluie.

After their Governor had surrendered himself, the Colonists, in a body, made the most earnest entreaties for assistance to proceed to Canada; and upon a distinct understanding, that nothing should be expected beyond their transport and provisions as far as York, the seat of Government, in Upper Canada, about fifty families, comprising above one hundred and forty persons, were embarked in the canoes of the North-West Company, and safely landed at their destination. Here their sufferings and miserable condition found some relief in the protection and assistance of the Government, and the public commiseration was drawn to their case, by the zealous interference in their behalf, and active benevolence of the Rev. Dr. Strachan, who shortly afterwards published a Statement*, from

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* Dr. Strachan's Pamphlet was afterwards republished in England, with the following Preface:

" As soon as I heard that the Earl of Selkirk was commencing a Settlement on the Red River, I determined to warn the Public of the " deception, and of the great misery which Emigrants must experience " in such a distant and inhospitable region. But it was difficult to procure the necessary information; and before it could be obtained, " the progress of the American war called my attention to distress " nearer home.

" It was not till last June that I was able to get a copy of his Lordship's Prospectus, a paper neatly drawn up, but, alas! destitute " of truth. To those who are amazed, after reading my remarks, at " the promises and assertions which it contains, I am justified in saying, that promises still more remarkable, and assertions still more their own evidence, of their case, and the delusions which had been practised upon them, in order to warn the poorer classes of his countrymen against becoming, like these unfortunate people, the dupes of Land-jobbing Speculators; a class of persons well known in America, and of whom Lord Selkirk, from the magnitude of his operations, may be styled the Chief. The Settlers who were disposed of in this manner, might have been in the proportion of two-thirds of the inhabitants of the Colony, and on their taking their departure for Canada, the other third proceeded for Hudson's Bay, in the Company's boats, in the hopes of finding a passage home to their native country.

" extravagant, were made by the Earl of Selkirk himself at Stromness, " in June 1813, to persons whom he was enticing to go out.

" Few of these wretched men have any written agreement; an omis- " sion, I hope, not wilfully made, to prevent legal redress: for surely " punishment ought to be inflicted on speculators who persuade fa- " milies, under false pretences, to leave their native homes.

" Of the Settlers who went to the Red River, many died at Church- " hill, in Hudson's Bay, from the severity of the climate and the qua- " lity of their food. Others seriously injured their health; and not " one of those who have escaped, saw a joyful day, from the time they " left Scotland till they began their journey to Canada. The fol- " lowing Letter may prevent any more from encountering the miseries " of the polar regions; and this is all I am able to effect. But retri- " butive justice is due: and I flatter myself that, among the many " great examples of disinterested benevolence so common in Great " Britain, one may be found sufficiently powerful to compel Lord " Selkirk, and his brother Proprietors, to make ample compensation " to the survivors, for the money and effects lost at Church-hill, and " the miseries they have endured.

" *York, Upper Canada, Oct. 5,* 1815."

During this winter (1814-15), besides the occurrences on the Red River, various conflicts had taken place between the rival parties, carrying on their trade in other parts of the country. Similar notices to those issued by Mr. Macdonell, to quit the territory of Lord Selkirk and the Hudson's Bay Company, were served, in the summer, upon the North-West Agents on the Saskatchewan; and one Mr. Kennedy, acting for the Hudson's Bay Company, says, in hisnotice, to this effect—*By order of William Hillier, Esquire, Justice of the Peace,* " If after this notice, your buildings are " continued, I shall be under the necessity of *raz-" ing them to the foundation.*" A Mr. House, in giving the same intimation by letter, instead of the formal notice, stating that the Hudson's Bay Company are determined to uphold their exclusive rights in this country, says, " that his concilia-" tory endeavours to impress a proper understand-" ing on his rivals, originate entirely with him-" self, and form no part of his instructions ; these " are peremptory, and, backed by the authority of " the Governor and of two Magistrates, now " demand his obedience."

It is not necessary to recapitulate the details of all the petty warfare occasioned by these claims being set up, and the consequent resistance ; in one place only, the English River, where Mr. House commanded for the Hudson's Bay Company, two persons fell victims to them in an affray which took place; and it is but justice to Mr. House, to add, that, deeply impressed with the fatal consequences which had resulted from these measures, he subsequently adopted a line of conduct which prevented the recurrence of them.

Before proceeding to the further detail of occurrences in the Indian Country, and in the Colony, we must refer to the transactions of Lord Selkirk in Great Britain and Canada. Being convinced a determined spirit of resistance had been excited to the aggressions and outrages of his Agents in the Interior, which the present means at their command would not be sufficient to subdue, his Lordship now resolved to make a combined effort from Montreal and Hudson's Bay; and by one great exertion, endeavour either to wrest the Trade entirely from the hands of the Canadians, or reduce his opponents to such terms as he might dictate, by the immense expence and loss his preparations would subject them to.

In the winter, an Agent of his Lordship's, formerly a Clerk of the North-West Company, Mr. Colin Robertson, was employed in Canada to raise and fit out an expedition from that Province, to penetrate into the Interior, and oppose the North-West Company's Traders in what are called the Athabasca Posts, far beyond any which the Hudson's Bay Company had yet established. It was necessary to procure Clerks and Guides who had before been employed in the same country, and these could only be obtained in Canada. Mr. Robertson was therefore directed to engage competent persons of this description, with a proportionate number of canoe-men, and to provide all the means for their equipment. The expedition was to be dispatched from Montreal early in the spring, for Lake Winnipic, where the canoes were to be supplied with the necessary outfit of goods for the Indian Trade, brought in from Hudson's Bay.

The object of this scheme was evidently to obtain a monopoly of the Fur Trade in every other part of the country, as well as in the territory claimed by the Hudson's Bay Company, and to cause irreparable injury to the Trade of the North-West Company. If it succeeded, their rivals would be enabled, under their Charter of exclusive navigation in the Bay, to carry in their outfits, and take out their returns, by a route, as has already been mentioned, between 2 and 3000 miles shorter than that through which the Canadians were obliged to conduct the Trade. The Athabasca Country, for which this expedition was intended, was also wholly beyond the boundaries of what, *in their own construction of their claims*, the Hudson's Bay Company called their territory, as the rivers running through it, chiefly empty themselves by Mackenzie's River into the Frozen Ocean, and the Trading Posts of the North-West Company in this direction, extended across the

Rocky Mountains, to the waters flowing into the Pacific. The obstacles presented by the difficulty of the route, the poverty of the country, and the inclemency of the climate, had hitherto rendered it impenetrable to the less enterprising Traders of the Hudson's Bay Company. The Canadians, who had discovered and formed establishments in it, extending their Posts, in some instances, to such a distance, that communication between them and Montreal could only take place once in two years, had hitherto been perfectly secure in the confidence, that the *capital of their chartered rivals was insufficient to embrace the object of this Trade, in conjunction with the others in which it was employed*; but his Lordship, (determined to surmount all obstacles), had no hesitation in adding *his means to those of his Company*, and this expedition was fitted out at an immense cost, which has been but ill repaid by the result of it.

To aid these projects, and, if possible, ensure his success, it became also necessary, that the supposed judicial powers of the Hudson's Bay Company, an engine which had only yet been resorted to in an equivocal manner by his Lordship and his Governors, should assume a more consistent form; and whilst Mr. Colin Robertson was engaged, as has been described, in Canada, his Lordship was no less active in London, in maturing his designs for the effectual prosecution of his schemes. A Case was prepared and laid before some of the most eminent Legal Characters in England (suppressing, as must undoubtedly have been the case, from the summary manner in which the Opinions are given, many material points with respect to the Canadian occupancy of the country, and the intended application of the measures these Opinions appear to justify), respecting the powers of jurisdiction vested in the Hudson's Bay Company. The Opinion of these eminent persons upon the Case so stated, was certainly in favour of the powers claimed, and that the Hudson's Bay Company might, at their discretion, establish such Courts as they judged proper, for the administration of justice throughout *their Territories*, recommending only some caution as to extreme cases: all mention of the definition of boundaries within which this jurisdiction could be exercised, was carefully omitted, both in the Case, and Opinions given upon it. Armed, however, with this qualified sanction of their rights, certain Resolutions were entered into by the Governor and Committee, and submitted afterwards, on the 19th of May, 1815, to the farce of a General Meeting, as required by the Charter, for the appointment of a Governor and Council, who, to use the expression of the Resolution, were " to have " paramount authority over the whole of the " Company's Territories, and that the Governor, " and any two of his Council, should be competent "to form a Court for the administration of justice, "and the exercise of the power vested in them by "the Charter*." The Resolutions were, as usual, opposed by all the Members of the Company present, except the Noble Lord and the Committee, but these being the majority, opposition was ineffectual. After some discussion, the names of the persons appointed to the different offices were also communicated, and the surprize of the persons representing the interests of the Canadian Traders, who were also Members of the Hudson's Bay Company, may be easily conceived, when they learnt that Mr. Macdonell, against whom warrants were issued on information upon oath, of acts of felony committed by him, was appointed the Second Person in Command, and administration of Justice, throughout the Territories of the Company.

Alarmed at the engine of oppression which was thus prepared and directed against their connections, the Canadian Merchants lost no time in representing to His Majesty's Government, the mischiefs that must ensue from an attempt to establish a jurisdiction *which would most certainly be resisted:* they prayed that His Majesty's Ministers† would inform them, whether this newly assumed authority was acknowledged by Government, as that information would form some rule for their own conduct, whatever doubts they might have of the legality or equity of the proceeding; but the only answer they obtained was, a denial that it was so sanctioned, and that further enquiry should be instituted. The appointments in the mean time took place, and Governor Semple embarked very soon after the communication was made by the Governor and Committee to the Company, in one of their ships for Hudson's Bay.

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* Appendix, No. XIV.

† See Letter to Mr. Goulburn, of 18th March, 1815, in the Appendix, No. XXIV.

In this interim, Mr. Macdonell, and the Sheriff, Mr. Spencer, were arraigned before the Courts of Lower Canada, on the charges on which they had been apprehended: and, in justification of their arrest, a True Bill was found against Spencer for grand laceny*. A plea in bar to the proceedings was put in on behalf of the prisoner, alledging that the Charter of the Hudson's Bay Company authorized the seizure, in virtue of his office; and time was given by the Court to procure evidence, and the Opinions of Legal Authorities in England, with respect to the validity of that plea. The Defendants were admitted to bail, and, it appearing clearly from Opinions subsequently taken in London, that as they might have acted under a misapprehension of authority, there would be a failure in proving against them the

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* Mr. Macdonell had been detained in the route to Montreal, and did not arrive in time to be placed on his trial at the Session of the Court; but the same evidence, would have produced the same result in his case.

felonious intent, the prosecution was dropped; and there was no jurisdiction vested by the 43rd of the King, under which trials could take place, in the Courts of Lower Canada, in actions for damages in civil cases. All hope, therefore, of bringing the question to issue in Canada, being at an end, the Canadian Merchants again addressed the most urgent applications on the subject to His Majesty's Government*.

Lord Selkirk having, in this manner, during the winter, matured his plans in England, and in Canada, the different expeditions, headed by Governor Semple from the Bay, and by Colin Robertson† from Montreal, proceeded to their destinations. Mr. Robertson, from some experience he had of the country, not liking a journey to Athabasca, sent on the canoes, with about 100 men, under the command of a Mr. Clark, and remained with the Settlers from the Red River, who had gone towards Hudson's Bay in the spring, and whom he found in the vicinity of Lake Winnipic. Mr. Semple arrived at York Fort rather late in the season, and having taken under his command the Emigrants who had gone out in the ships of the preceding year, and being joined by Robertson and the Colonists on the route, the whole party arrived in September 1815, at the Red River, and re-established the Colony. The new Governor was a stranger to the personal animosities which had existed between the rival parties in the Interior, and hopes were entertained, from the general character he bore for integrity and humanity, that, under his administration, violences would at least have been suspended, till the rights of each had been discussed and settled, either by the Courts of Justice, or the Government in England. Enthusiastic, however, in the cause of his employers, and persuaded that the Legal Authorities under which he had been advised to act, would justify, not only the assumption, but the immediate exercise of the powers confided to him, he did not hesitate, on assuming his Government, to sanction those measures which had before been resorted to, and to authorize others which had been suggested to him, for the complete subjection of the North-West Company and their people.

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* See Appendix, No. XXVI.

† This Gentleman, immediately after Peace had taken place between Great Britain and the United States, went to New York, with the view of forming an arrangement with American Citizens to join his patron and employer, in his attempts to ruin the North-West Company. For this purpose he applied to a Gentleman in that country, who, connected with its Government, had made considerable exertions to rival the Canadian Trade previous to the war.

Mr. Robertson, who had abandoned the Athabasca expedition, was this winter the principal actor in the scenes which passed in the neighbourhood of the Colony, and, in this respect, proved a worthy follower of his predecessor, Mr. Macdonell.

Early in October, Mr. Cameron, while passing quietly along a public road, was seized by an armed party, on an accusation of having seduced and enticed the Colonists in the spring to abandon the Settlement; but he was soon afterwards, unconditionally, released. Mr. Robertson appears to have about this time formed a plan, of the same nature as that of Macdonell the preceding winter, to starve the Canadians into submission; and it was publicly announced, that measures, which were calculated to carry it into effect, would be taken before the opening of the navigation.

On the 17th of March these operations commenced, by a regular attack, in the night, by an armed force, on Fort Gibraltar, the North-West Company's Post at the Forks of the Lower Red River, where Mr. Cameron and his people were made prisoners*. This was followed by another attack, on the 20th of the same month, on the Post of the River Pembina, where the people were also made prisoners†; and at both Posts, arms, ammunition, letters, papers, books, merchandize, and about fifty packs of furs were seized, and confiscated to the uses of Lord Selkirk and the Hudson's Bay Company. Mr. Cameron was sent down prisoner to the Bay, and has not since been heard of. A large force was next dispatched to surprize Mr. Alexander Macdonell at the *Riviere Qu'Appêle*, a Post on the Upper Red River, where a large depôt of provisions was formed for the supply of the North canoes: but this expedition found Mr. Alexander Macdonell, who commanded there, better prepared than the other stations, and the assailants were obliged to retreat quietly without effecting their object. Mr. Robertson retained possession of Fort Gibraltar and the Post at the Pembina River, till the arrival of the winter Express of the North-West Company, which he knew was daily expected, bringing accounts of the situation of the different departments, and the success of their winter-trade. He intercepted this Express, and made no scruple of seizing and opening all the Letters, above 100, whether addressed to the Partners, or other persons attached to the Company. The Forts were then abandoned, and *razed to the ground;* such of the timber as might be useful to Lord Selkirk's Establishments, being first removed for that purpose. On the 19th of May, some persons in the employment of the North-West Company, without authority from any of the Partners or Agents, hearing of the seizure of the fifty packs of furs at the two Posts, took an opportunity of seizing, by way of retaliation, thirty packs found in a batteaux of the Hudson's Bay Company; and these furs were afterwards carefully and separately packed and marked, and sent out to Fort William.

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* See John Siveright and François Taupier's Affidavits; Appendix Nos. XV. and XVI.

† See Joseph Jourdain's and Jean B. Gervais' Affidavits; Appendix, Nos. XVII. and XVIII.

Some disputes had now taken place between Governor Semple and his coadjutor; and, disappointed in the attempt upon the Post at *Riviere Qu'Appéle*, the former considered it necessary to cut off the communication between that Post and Lake Winnipic, through which Lake the North-West canoes from Athabasca, and other remote parts, pass, and are usually supplied with provisions from the Red River depôts. The lower Posts were already destroyed, and if these canoes could get no provisions from Qu'Appêle, about 500 men would be at Mr. Semple's mercy. A gun-boat, commanded by a Lieut. Holt, was fitted out on the Lake, and batteries, with cannon mounted, were erected on the banks of the river, to effect this object. The Canadians saw nothing before them but the prospect of confusion, and the doubtful issue of the conflict that must ensue; but being convinced, from the plunder of their property at the other Posts, there would be no hesitation in seizing also these, their most valuable returns, preparations were made to protect them, and expresses were sent to the Interior, to advise the different parties coming out of the country, of their danger, and of the necessity of guarding, by all the means in their power, against it. Being still desirous to prevent an actual contest between their canoe-men and the people under Governor Semple's orders, an experiment was made by the Canadians, at the time the canoes were expected, to open the communication between Qu'Appêle and Lake Winnipic, by land; and about fifty Indians and Half-breeds were dispatched, with an escort of provisions, for that purpose. They *received express orders,* and *were* *strictly enjoined,* to *pass at a distance behind Fort Douglas,* Semple's station, and *the Colony,* to molest no person, and, *if possible, to avoid all observation**. In pursuance of these directions, the escort proceeded by the edge of a swamp, (which prevented their making a wider circuit), about four miles from the Fort, with the intention of turning into the usual land-path on the river, nearly a like distance below: in their progress they met one or two Colonists, whom they detained, to prevent information of their route reaching the Fort; and, at the place of their encampment below, a party of them, who had preceded the rest, found some other Colonists fishing, whom they also detained, but did not in the least molest, otherwise than by the restraint of not allowing them to return to give information at the Settlement. Governor Semple, seeing, by a telescope from a look-out on the top of his Fort, the circuit made by the Indians, and probably concluding, if the communication was established, that his plans would be rendered abortive, determined, in an evil hour for himself, to pursue the party, and marched out of the Fort, with twenty-eight men and officers, with great parade in battle array, for this purpose. The Indians and Half-breeds, supposing themselves undiscovered, and unsuspicious of danger, were much scattered: twenty-four of the number, as has been before stated, having proceeded about two leagues below the others, had begun to encamp: the remaining twenty-six, finding themselves pursued by an armed force, retired to join their companions, sending a Canadian of the name of Bouché, who happened to be with them, and who could speak English, to enquire the reason of their pursuit by Semple's party in a hostile manner. Some words were exchanged, upon which Mr. Semple suddenly seized the bridle of Bouché's horse, disarmed him, and ordered him to be taken prisoner*. Upon his attempt to escape, the Governor ordered him immediately to be fired at, and when his people made some hesitation, seeing the danger they ran in such a conflict, he was more peremptory in his commands, accusing them of cowardice for not immediately obeying. His orders were at last complied with by some of his party, and of the shots fired, one passed close to Bouché's ear, in his flight, and another through the blanket of an Indian, who was advancing after Bouché, in the attitude, and with the language of friendship. Seeing himself thus treacherously assailed, the Indian levelled his gun, and fired in return, which example his party followed, and the melancholy and afflicting result of the conflict was, that the Indians rushing in, Mr. Semple and about twenty of his people lost their lives, and one Half-breed, and one Indian, on the other side, were killed.

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* See Appendix, No. XIX.

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* These particulars are taken from the testimony of Bouché, who was carried down to Montreal, and other persons present in the affray. It has not been deemed advisable, pending the legal proceedings which the case must give rise to, to publish the evidence of parties who may be implicated.

Of course the accounts of this most deplorable event, given by Lord Selkirk, attempt to throw the blame on the opposite party, and his misrepresentations have gone so far as to accuse the North-West Company of having dispatched this force, not for the purpose of escorting the provisions they had in charge, but for an hostile attack upon Fort Douglas. The facts of the Indians having actually passed that establishment, some part having encamped at about ten miles below the Fort, and who, to the number of twenty-four, did not join in the action, and the conflict having taken place at least four miles below, form a sufficient refutation of the latter part of his accusation: add to this, their studied efforts to avoid collision by the detour made, and the facts, not even denied by the opposite party, that they marched out and followed the Indians, and fired first upon them, no doubt can remain as to who were the aggressors in this most unfortunate affray. The Indians and Half-breeds were all on horseback, and dismounting when the fire commenced, sheltered themselves behind their horses, and took deliberate aim at their antagonists over the horses' backs, which accounts for the destructive result of the contest. After their first fire, according to their usual custom, they rushed in upon the survivors, and a Half-breed of the name of Grant, who appears to have acted as leader of the party, could not even save Mr. Semple from their resentment: while supporting that unfortunate Gentleman wounded, in his arms, a Saulteux Indian, in defiance of his efforts and entreaties to spare Mr. Semple's life, shot him through the head, calling out, "You dog, you have been "the cause of all this, and shall not live."

The Indians and Half-breeds fortunately did not carry their resentment beyond the persons actually engaged in the affray, or approaching in arms to join it; and it is an undeniable fact, that not one of the Colonists, or even of those who were previously detained, was personally injured. They were, however, all ordered off the grounds, with a warning not to return, but allowed to retain any private property they possessed: the party plundered, and divided amongst themselves, every thing they could find belonging to Lord Selkirk and the Hudson's Bay Company, and among other articles, they unfortunately met with about 200 fusils, and a large quantity of ammunition.

Thus was this devoted Colony for the last time dispersed; and although its dissolution was sooner or later inevitable, from different causes to that which now determined its fate, it could not have been expected that it would be precipitated by so much rashness. As far as the Canadians were concerned, in having employed these people solely for the transport of their provisions, and without the most distant apprehension of the fatal conflict which ensued, they were entirely blameless, unless indeed it could have been expected of them, not only to respect the territorial rights set up by Lord Selkirk, but the further extension of power, in attempting to shut up the water communications between countries, over which he does not even claim to extend those rights, and this at the sacrifice of their whole property, and under the knowledge of the absolute ruin in which it would have involved them.

After this melancholy affair, the Colonists, to the number of about 180 souls, complied willingly with the terms prescribed by the Indians, and were met with in the end of June in eight boats, on their way to the Bay. These people had passed the winter as usual in great misery, until they took possession of the Canadian Forts, where they found plenty of dried meat and potatoes.

The Athabasca expedition, which had proceeded under the orders of Mr. Clark, was productive of results equally disastrous to those engaged in it, and, as far as loss of property went, to its projectors. The canoes got into the country too late to find the Indians, and were divided into detachments, at the English River, Peace River, Fort Chipewayan, and at the Slave Lakes, and, having been sent off, with a criminal neglect, on the part of their employer, of the means of subsistence, about twenty people perished by the rigour of the climate and by famine*, and the others, about eighty in number, threw themselves, with their property, on the protection of the North-West Posts, whose Traders saved them from the horrors of famine, and gave them the means of leaving the country in the spring.

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* Eighteen of these unfortunate men having been dispatched by their leader upon an expedition, on snow shoes, to find the winter

While the winter and spring were thus passing in the Indian Country, Lord Selkirk embarked for America, and arrived in Canada, to superintend the extended operations he meditated for the ensuing season, in the full confidence that success would have attended his combinations for the past in the Interior, and that it was only necessary to follow up the blow, to acquire possession of the country to the westward of Lake Superior, and the entire monopoly of its trade.—Mr. Miles Macdonell, against whom, as already mentioned, it was found ineffectual to continue the criminal proceedings which had been instituted, joined his Patron, and was not the less welcome, for the zeal he had before shewn in plundering the Canadians.

Preparations were commenced on an extensive

quarters, or hunting grounds of some Indians with whom he wished to open a trade, the party were unsuccessful in their search, and having lost their way, and consumed all their provisions, no means of subsistence, and scarce any hope of escape, remained to them. About three weeks after they had been sent on this ill-fated expedition, *one* of them alone reached Fort Chipewayan (the North-West Company's principal station in Athabasca); all the others had perished, and the wretched men who survived the longest, had been reduced to the horrid necessity of satisfying their hunger by eating the flesh of their deceased companions, till at length only one was left to tell the dreadful tale.

scale, for new expeditions, by the Grand River, and the Lakes, to the North-West; men of all descriptions were engaged, and a large outfit for the Indian trade, got in readiness. Considering the immense waste of property which would ensue, even from a zealous competition for the trade, if it should reach their remote posts, of which they had before sufficient experience in their contests amongst themselves, and still further apprehensive of the violent measures with which they were threatened, from the nature of Lord Selkirk's proceedings, the North-West Company now attempted to renew with his Lordship, a treaty they had before, in 1810, offered to the Hudson's Bay Company in London, for dividing the Trade, and putting an end to all contention between their Servants. The average returns of the trade of the parties were, about this time, (exclusive of the fisheries in the Bay, in which the Canadians had no desire to be concerned), in the proportion in value of about five to one in favour of the North-West Company, and their most profitable trade, indeed almost the only part which had been so, since Lord Selkirk's opposition, was from the Athabasca country, where their rivals had never penetrated till the attempt of the preceding season, the result of which was then unknown at Montreal. The capital employed in the whole trade, was in the proportion considerably above three to one, taking the Hudson's Bay Company's Stock at its extended amount, nearly 100,000*l*., and the returns from what this Company call their exclusive territories, were probably in the same proportion. These data are sufficiently clear to enable the reader to form his own opinion of the fairness of the proposals made by both parties, from which, unfortunately, no arrangement resulted.

In the month of December, a communication was made to Lord Selkirk, of the earnest desire of the North-West Company to enter into a negociation, either for a fair division of the Trade, to be conducted under a joint management, or, if that was not deemed eligible by the Hudson's Bay Company, then for a division of Posts and Countries, so that there might be no possibility of further collision. Without entering into the details of the negociation, the North-West Company offered, if the future conduct of the *whole* trade, under such a joint management as could be agreed upon, was acceptable to the Hudson's Bay Company, that the parties should be interested, the Canadians for two-thirds, and the Hudson's Bay Company for one-third, and that each should furnish, in that proportion, the means and capital, and receive the returns: and if it was found impracticable to negociate on this basis, that they would divide the Posts, so as to give the Hudson's Bay Company two-thirds of the trade in all the countries over which *they claimed* their chartered rights to extend, instead of the one-third they actually possessed; on the stipulation, in return, that the Athabasca trade, and that on the waters flowing towards the Frozen Ocean and the Pacific, should not be encroached upon.

In answer to these proposals, which Lord Selkirk at once declared to be inadmissible, a counter-proposition was submitted by his Lordship, that the Hudson's Bay Company would be kind enough not to interfere with the Athabasca Posts, if the Canadians would give up entirely all trade in the countries through which any waters passed, flowing towards Hudson's Bay, or, in other words, in any part of the territory of that Company, according to *his construction of its limits,* and two-thirds of the trade of which had been, for the last fifty years, carried on by the Canadians; and that, for the accommodation of the North-West Company, in the event of their acceding to this stipulation, they should be permitted to retain some of their own Posts on the route to Athabasca in those territories, on condition that they would leave the question of right to Arbitration, and, if it was given in favour of the Hudson's Bay Company, that they should be allowed to retain them, with a certain number of acres of land attached to each, for a limited period, on payment of an adequate rent to that Company, as landlords.

The Canadians only observed, in reply to this modest proposition, that they had commenced the negociation, not with the view of discussing abstract rights, on which subject they retained opinions diametrically opposite to those of the Noble Lord, but with a view of reconciling present interests, and for the substantial benefit of both parties: that, of course, they could not consent to give up a country to which they claimed even a better title than the Hudson's Bay Company, by virtue of their original discovery and prior possession, and which, according to the best legal opinions they had been able to obtain, was not included in the Charter, even admitting its legality; and that, as to the offer of leaving the settlement of these rights to Arbitration, it contained no reciprocity, inasmuch as, if the award was against them, they were deprived of their possessions, and, if it was in their favour, it conferred no benefit upon them.

There had been evidently no desire on the part of Lord Selkirk, in these negociations, to bring them to a satisfactory conclusion; and his whole conduct, immediately after their termination, left no doubt of his determination to carry into effect, by physical force, that part of his proposition which related to dispossessing the Canadians of their property and trade, throughout the assumed territories of the Hudson's Bay Company.

His Lordship was appointed Justice of the Peace for the Indian Territory and in Upper Canada, and a military escort, under the name of a body-guard, consisting of a serjeant's detachment of the 37th regiment, was also granted, on his application to the Governor of Canada, for the protection of his person, in the expedition he meditated in the spring, to the seat of government in his new kingdom. That he might have means sufficient for his purpose, in addition to about 180 canoe-men, he engaged about 150 foreign soldiers, with two Captains and two Subalterns, of the regiment of De Meuron; a set of men, whose conduct afterwards sufficiently justified the apprehensions entertained of them. They had been engaged in different services in Europe and Asia, and were partly formed by deserters from Buonaparte's armies in Spain. From that country they were sent to America, where the regiment was just disbanded, and were fit instruments for the scenes of pillage and plunder in which they were subsequently engaged*.

An account of these preparations, and of the consequences to be apprehended from them, was laid, both before the Government at home, and in Canada, with earnest entreaties, on the part of the Canadians, and their Representatives here, that at least their persons and properties might be protected.

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* It is necessary to remark here, that these men were hired before even the transactions just related on the Red River had taken place, that the attempt made to justify this proceeding, by connecting it with providing means of defence for the Colony, should be understood. If these soldiers were intended as an addition to the Colony, their dissipated and idle habits would have ensured its destruction, even had it not previously taken place.

Relying upon such protection, the North-West Company dispatched their canoes, as usual, in the spring, by the Grand River, without any additional precautions, for Fort William; and about the same time, Mr. Miles Macdonell was dispatched by Lord Selkirk, with the Canadians engaged in the service of the Hudson's Bay Company, in canoes, to make the best of his way, by Lake Superior, to the Red River, in order that his Lordship might have early intelligence from his Colony, of the proceedings during the winter, to meet him on Lake Superior. His Lordship, accompanied by Captains Matthey and D'Orsonnens, and Lieutenants Graffenreith and Fauche, with about 140 De Meuron soldiers, dressed in new uniforms for the service, and equipped with all the "pomp and circumstance "of war," even to a furnace for heating cannon balls, took the route by the Lakes, with the intention, it would seem, of engaging some discharged Highlanders of the Glengary Corps, also to follow his fortunes.

Mr. Miles Macdonell had proceeded with the utmost expedition to Lake Superior, and had passed on by the usual communication to Lake Winnipic, while the Agents of the North-West Company had arrived at Fort William, and were engaged in preparing the outfits for the ensuing, and receiving the returns of the past, season from the Interior. They had only as yet intelligence from the near Posts, and were alarmed by reports, for they had no clear accounts, of the capture and destruction of the two Provision-Posts on the Red River. They instantly dispatched about 60 men in light canoes, to the assistance of their people coming out, thinking, as an attack had begun, their Athabasca returns might be in danger: they, however, were soon surprized by the return of Mr. Miles Macdonell, who, upon reaching Lake Winnipic, heard of the conflict in which Mr. Semple had fallen, and of the entire dispersion of the Colony. They now received accurate intelligence of all the events which have been before detailed, and lost no time in sending down an express, that it might be forthwith communicated to the Government at Quebec. The express got to Montreal about the middle of August; and the instant it arrived, Mr. Richardson went with the accounts to Quebec, and again entreated an officer of rank might be sent up to investigate these outrageous proceedings, and with full powers to arrest and send down the guilty persons of either party to Canada for trial. Sir John Sherbrooke had not then reached Quebec to assume the Government, and General Wilson, in momentary expectation of his arrival, was unwilling to interfere. After Sir John Sherbrooke had assumed the command, no Officer was to be found at the disposal of Government, sufficiently qualified by experience and information, for the service; but a Proclamation was instantly issued, ordering all persons to keep the peace within the Indian Territories, and this was sent up immediately by a light canoe to Fort William; the canoe, however, arrived after the capture of the Fort, which will presently be related, and the Proclamation was suppressed by Lord Selkirk, as inconsistent with the course he was then pursuing.

Mr. Miles Macdonell proceeded without delay, to carry the disastrous accounts from Red River to Lord Selkirk, whom he met, with his troops, at St. Mary's, at the entrance into Lake Superior, where he was waiting for an expected addition to his force, and for provisions and artillery, which were coming in vessels across Lake Huron, to join him at that place. Here, it would appear, his Lordship resolved upon the line of conduct he afterwards pursued, and he lost no time in setting forward with his whole expedition for Fort William, in the neighbourhood of which he arrived on the 11th of August.

Fort William has already been mentioned as the general depôt of the North-West Company, where their stores and merchandize for the supply of their followers, and of the Indians, and their returns of Furs, &c. from the Interior are deposited.

At this time, the beginning of August, the usual business of the season was in actual progress, and far from being completed. The wintering Partners, who had been appointed by the General Meeting to the more remote Trading Stations in the Interior, had taken their departure, but the Partners appointed to take charge of the stations on the Red River, River Winnipic, the communication from thence to Fort William, and all the stations in the vicinity of Lake Superior, still remained at the Fort, together with the outfits of merchandize, arms, and ammunition destined for the trade of their respective stations, and for the use of the Natives depending upon them for supplies. A considerable, and by far the most valuable part of the returns from the Interior, was also deposited at the Fort, in order to be sent down to Montreal for shipment to England. This consisted of 600 packs of the finest Furs, the value of which, if now in England, would be moderately estimated at 60,000*l.* sterling.

The Fort was under the direction of Mr. William M'Gillivray and Mr. Kenneth M'Kenzie, *the Agents,* as they are called, though they may be more properly described as *Directors* of the North-West Company. The wintering Partners, already mentioned, were also in the Fort, together with the voyageurs, or wintering servants of the Company, who were to navigate the canoes carrying the supplies to the different Trading Stations, and also the Montreal canoe-men, who were to carry down the Furs.

Their numbers together must have exceeded 500 men, and the place, though not properly a Fort, but merely a square of houses and stores, surrounded by a strong and lofty picket fence, contained an ample supply of arms and ammunition, and was capable of considerable resistance.

The whole proceedings of Lord Selkirk at Fort William are so extraordinary in themselves, as well as so momentous in their consequences to the North-West Company, that they require to be particularly detailed.

On the 12th of August, his Lordship came into the River Kaministiguiâ with four canoes, attended by a number of soldiers, and by his guard, with whom he encamped about 800 or 900 yards above the Fort, on the opposite shore.

Within two or three hours, eleven boats full of men, in the uniform of De Meuron's Regiment, came into the River, and were followed by one boat and two canoes loaded with arms and stores, &c. The troops immediately joined Lord Selkirk at his encampment. Cannon were landed, and drawn up, pointed to the Fort, and balls were ready piled beside them, as prepared for a siege and bombardment.

On the following day, two persons belonging to his Lordship's suite, named M'Nabb and M'Pherson, came to the Fort about three o'clock in the afternoon, and having without difficulty obtained admission, they arrested Mr. William M'Gillivray, who immediately offered to attend his Lordship, and, utterly unconscious of any ground for charge, took with him Mr. Kenneth M'Kenzie, and Dr. M'Laughlin, to give bail for him if required. On embarking to cross over to his Lordship's encampment, they were guarded by above twenty soldiers, who had accompanied M'Nabb and M'Pherson, and on their reaching the opposite shore, they were received by a party of the 37th regiment under arms, who conducted them to Lord Selkirk.

Instead of being accepted as bail, Mr. M'Kenzie and Dr. M'Laughlin were told that they were involved in the same charge with Mr. M'Gillivray, which appeared to be some concern or participation imputed to them in the transactions at the Red River; and his Lordship stated, that all the Partners of the North-West Company, who had been at Fort William in the year 1814, when the appointment of Mr. Duncan Cameron to their station in the Red River took place, were implicated in the alledged crimes.

Any attempt at justification was of course useless; nor was any necessary, for Lord Selkirk must at the moment have been equally convinced as they were themselves, not only of their *innocence,* but even their complete *ignorance,* of the transactions imputed to them as crimes.

Military possession was then taken of the Fort, as is particularly described in the Deposition of Lieutenants Brumby and Misani*, given in the Appendix, No. XX., and in the following Journal of Mr. Jasper Vandersluys, a very respectable person, who was employed as Book-keeper to the Agents of the North-West Company, and who, upon the arrest and removal of all the Partners, as detailed in the Journal, was left at Fort William in charge of their affairs.

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* Lieutenants Brumby and Misani, whose Deposition is above referred to, are Officers of the late Regiment De Meuron, who obtained leave of absence from General Sir Gordon Drummond, at the request of the North-West Company, in order to enable them to visit the Indian Country. This was partly intended to counteract the impression which might be made on the Indians by seeing Lord Selkirk's body-guard and military force; but chiefly in order to enable these Gentlemen to see the real state of the country, and to give an impartial report of such occurrences as they might witness. Their testimony, therefore, relative to the military outrages committed at Fort William, is entitled to particular attention, as coming from Military Men, totally unconnected with either of the Parties.

Journal of Occurrences at Fort William, in the District of Kaministiguiá, commencing the Twelfth Day of August, One Thousand Eight Hundred and Sixteen.

Fort William, 12th August, 1816.

BETWEEN ten and eleven this morning the Earl of Selkirk, accompanied by his body-guard, and others, came up the River Kaministiguiâ in four canoes. He encamped about 800 or 900 yards above the Fort, on the opposite shore. Between one and two P. M. he was followed by eleven or twelve boats, each having from twelve to fifteen soldiers on board, all armed, who encamped about two hundred yards below the Earl. The rest of the day past quietly off, though I observed very great activity prevailing in their Camp.

13*th August.*

The morning past very quietly, but I observed his Lordship's soldiery cleaning and loading their muskets, and planting their cannon in the direction towards the Fort. In the afternoon, at about two or three o'clock, one M'Nabb came into the Fort, with a Warrant issued by the Earl, and took prisoner Mr. William M'Gillivray, ordering him to accompany him to Lord Selkirk's Encampment. Mr. M'Gillivray immediately obeyed, and Mr. Kenneth Mackenzie and Dr. John M'Laughlin accompanied him, to give bail. No one else in the Fort was informed of the circumstance, so that, seeing these Gentlemen go over to Lord Selkirk, we all took it as a favourable sign of an arrangement between the Hudson's Bay and North-West Companies being about to take place; and we were proportionably the more surprized upon perceiving the result. Half an hour after these Gentlemen were gone, I heard a bugle horn. Two boats, each with from twenty-five to thirty armed soldiers, were dispatched by the Earl of Selkirk, and landed in front of the Fort. They were preceded by the said M'Nabb, and one M'Pherson (who had been appointed Constables by Lord Selkirk), and who made prisoners of Messrs. John Macdonald, Alexander Mackenzie, Hugh M'Gillis, Simon Fraser, Alan Macdonell, and Daniel Mackenzie. Mr. John Macdonald requested the Constables to produce their Authority, and to exhibit their Warrant. It will hardly be believed, that this legal demand, which the Earl of Selkirk now endeavours to hold out as a resistance to the execution of the Warrant, served as a signal for attack. Captain D'Orsonnens, the leader of these disbanded, intoxicated, and almost uncontrouled soldiers, cried out "*aux armes, aux armes!*" and immediately the bugle was sounded, and an armed force of about sixty in number, with loaded muskets and fixed bayonets, rushed forcibly into the Fort, shouting, cursing and swearing, and threatening death and destruction to all persons and all property. The soldiery were strongly countenanced in this by their officers, amongst whom the most conspicuous was the aforesaid Captain D'Orsonneus, next Captain Matthey, Lieutenant Fauche, Lieutenant Graffenreith, and several more. They spread out their troops in every direction, driving the peaceable inhabitants of the Fort before them, and spreading terror and alarm amongst the women and children by their hideous shouts and exclamations. They placed two pieces of cannon in the centre of the Fort, and centinels in all quarters. All this while the abovementioned Gentlemen did not offer the least resistance, but on the contrary, patiently submitted to the outrageous and lawless conduct of their assailants; and they were then carried off to the Earl's Camp, guarded by an armed force. Had the least thought been entertained of making resistance, nothing would have been easier than to have done so, and to have exterminated the whole of Lord Selkirk's band; for at the time the Earl made his appearance, we mustered nearly three times the number of his people, and were provided with more than sufficient means of defence; but no such thing was ever contemplated or even suggested, in proof whereof, the sale, and even the usual distribution of liquor to the men, was positively forbidden.

The Fort was now left in disorder, and at the discretion of the intoxicated soldiery; and if no blood has been spilt on the occasion, neither Lord Selkirk nor his people have any claim to the credit of it. At about eight P. M. our Gentlemen returned, having, as I understood, engaged to Lord Selkirk to go back the next day to his Camp, in order to undergo an examination. I omitted to mention that, after our Gentlemen had been carried off, Mr. M'Nabb, one Mr. Allan, (the Earl's medical attendant) accompanied by Captain D'Orsonnens and another, proceeded to the Office of the North-West Company, and there presented a Warrant addressed to the Chief Clerk, with orders to seal up all the papers, which was complied with; after which they went into Mr. M'Gillivray's private room, where they did the same, and subsequently in the rooms of all the before-named Gentlemen.

When the Gentlemen returned, they expostulated upon the troops being left in the Fort, and insisted upon their being withdrawn; which was only partly complied with, and a guard of twenty soldiers was left under the command of Lieutenant Graffenreith.

The general terror, the uncertainty as to what were the Earl's designs, and the acts of violence, and infringements of all right and law, which had already been committed, made us all pass a night of fear and anxiety.

14th August.

This morning Mr. M'Gillivray desired me to draw up a Protest against the acts of violence committed yesterday; I had only a quarter of an hour to do it in, and worded it briefly in the following terms:

" We the undersigned, Agents and Partners of the North-West " Company, being this day, the thirteenth of August, 1816, in a " body assembled at Fort William, in the district of Kaminis- " tiguiâ, do hereby formally Protest against the violent proceed- " ings done and committed upon our persons and property, at " the above mentioned place in the afternoon of the above- " mentioned day, by a troop to the number of between fifty " and sixty disbanded and intoxicated soldiers, formerly belong- " ing to the Regiment of De Meuron, and at present in the ser- " vice and pay of the Earl of Selkirk, headed by Captain D'Or- " sonnens and Lieutenant Fauche, and afterwards joined by Cap- " tain Matthey and Lieutenant Graffenreith, who forcibly enter- " ing the Fort Gate, spread out their troops in every direction " having their bayonets fixed, and shouting a most horrid huzza!

" which spread a general terror amongst the inhabitants of the " Fort; after which they placed two pieces of cannon in the centre of the Fort, and centinels in all quarters, and proceeded " by order of the Earl of Selkirk, with armed force, having then " one Mr. Allan, Doctor to his Lordship, at their head, to seal " up the papers and desks in the North-West Company's Office, " and then those of the private rooms of the Agents.

" We therefore do most solemnly Protest against these acts " of violence, and against all those whom it may concern.

(Signed) " WM. M'GILLIVRAY.
" KENNETH MACKENZIE.
" JOHN MACDONALD.
" SIMON FRASER.
" ALLAN MACDONELL.
" JOHN M'LAUGHLIN.
" HUGH M'GILLIS.
" DANIEL MACKENZIE."

In conformity with their engagement to Lord Selkirk last night, our Gentlemen were preparing to embark in order to proceed to his Lordship's Camp, when a strong reinforcement of troops arrived from the other side, headed by Captain Matthey, with the intelligence that the Earl would soon be at the Fort; and in about half an hour afterwards he made his appearance with his body-guard*, and immediately entered the Hall in the Mess-house. Mr. M'Gillivray handed to the Earl the above-mentioned Protest, which he read. An armed force (of the 37th regiment) was stationed both within and without doors. The Earl enquired who were the Clerks in charge of the concern in the absence of the Proprietors. James M'Tavish and myself were named, which the Earl approved of. His Lordship went with M'Tavish into the Office, was in close conversation there with his Surgeon and Captain D'Orsonnens, whence he went into Mr. M'Gillivray's room, and thence to the different rooms of all the Proprietors, in order to examine the seals put on yesterday; after which he was in a long and close conversation in the Court-yard of the

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* Consisting of the Non-commissioned Officer and men of the 37th regiment, granted by General Wilson *for his Lordship's protection.*

Fort. He returned, and ordered all the Partners to be closely confined in their rooms. He took up a room himself in the Mess-house. Mr. M'Gillivray represented to him, that it was necessary the Clerks should proceed in their regular business, and that therefore the seals should be taken from off their desks, and the contents examined. His Lordship answered, that there were things of the utmost importance to be settled first, and then placed centinels with fixed bayonets before the doors of all the Partners. The Earl applied to me to give him an explanation of the various buildings in the Fort; but I told him it was out of my power, as I was a stranger myself. He went round to take a full view of the Fort. I followed him. One Chatelain met him, and took him aside. He returned into the Fort, and a heavy shower of rain falling, I took him into Dr. M'Laughlin's house for shelter. His Lordship was very inquisitive, enquiring the number of cattle, the produce of the harvest, &c. After the rain he went to his room in the Mess-house, with Captain D'Orsonnens, Captain Matthey, and his Surgeon, who in all respects seem to be his chief agents, and principal confidants. He came out and asked me to go for Mr. M'Tavish, who came, and complied with his Lordship's request in explaining the use and contents of all the buildings in the Fort. The bell rung for dinner. The prisoners received their dinners in their rooms. During dinner, Lord Selkirk and his party were very busy about the Fort, and carried off about eighty guns belonging to the North-West Company. An order was then issued to all our men to carry all their canoes into the Fort, and break up their Camp, no one being allowed to encamp or remain any longer on this side the river. His Lordship asked me if I knew the Proprietors who were under confinement. I answered in the affirmative. He told me it was necessary they should all be placed in one house, and pointed out the Wintering-house, to the right of the Mess-house, as one that would answer this purpose. He wanted me to accompany his constable, M'Nabb, to get the Gentlemen together, and convey them to their new prison. I took the liberty to observe to his Lordship, that I should find it rather a difficult task to act in concert with his constable against my Employers, and begged to be excused accepting such a degrading office. His

Lordship said he had plenty of people of his own to perform this duty, but that perhaps they would do it in a less delicate manner. I answered his Lordship, that as for that, I had not the least doubt, but could not possibly comply with his request. Soon after I saw John Macdonald conducted by an armed force from his own room into the Wintering-house; Allan Macdonell was conducted thither in the same manner, and a few moments after, I had the mortification to see Mr. M'Gillivray turned out of his private room with his luggage, and carried away also, guarded by an armed force with fixed bayonets, to the Wintering-house. The Mess-house being now cleared of all our Gentlemen, I went in, and found a person of the name of Lorimier, one Chatelain, and the well-known Williamson, all three Agents to his Lordship, regaling themselves in the larder. After this a new Warrant was issued for searching the private rooms of the Gentlemen who were in prison, and to seize all arms, under the frivolous pretext, that information had been given that a quantity of papers had been burnt the night before, and a number of arms concealed. I accompanied the searchers to every room. John Macdonald's room being locked, was forcibly broke open with an axe by Mr. Allan, Mr. M'Nabb, and Captain D'Orsonnens. The search, sealing of papers and trunks, seizure of arms, &c. lasted till past twelve o'clock at night.

These articles were all sealed in my presence, and next to the Earl's seal I put mine. They were carried to his Lordship's apartment in the Mess-house.

An order was this evening issued in the Earl's name, that after nine, no one should appear out of doors under any pretext whatever.

A printed paper has been posted up at the gate of the Fort, signed by some Montreal Advocates, and purporting to contain the Opinion of those Gentlemen, relative to the Hudson's Bay Charter, but which in fact consists of nothing but the denunciation of punishment against all who shall oppose the measures the Earl of Selkirk may think proper to adopt, as Justice of the Peace.

15th August.

One of our men having been out fishing, returned this morning with a load of fish, which was immediately seized, and distributed among his Lordship's people. Orders have been issued to stop the regular course of business in the Fort, and neither Clerks, Mechanics, nor any others are permitted to do their daily business. The greatest consternation prevails amongst all our people. The Gentlemen prisoners mentioned yesterday, are all still more closely confined, and all access to them is most strictly prohibited. The whole of his Lordship's people are now encamped in front of the Fort, and our people were driven last night from their grounds to the opposite shore, which being but ill cleared of wood, and swampy, affords them a very wretched place of encampment amongst the stumps and bushes. Whenever they have occasion to come to receive their victuals, an order must first be given by one of the officers of these disbanded soldiers to the centinel, who then allows them to pass, and go into the Fort to receive their victuals. The most abusive language towards us is made use of by the soldiers, who all appear to be thirsting for an opportunity to gratify their wishes for tumult and bloodshed. I do not know whether this disposition is sanctioned by the Earl, and should rather doubt it, but it is evident they are entirely under his command and controul. Two loaded pieces of artillery are placed at the entrance of the Fort, and command the opposite shore, to keep the people there in awe. Blondin, the guide, was with his men working in the canoe-yard: no sooner had one of his Lordship's officers got information of it, than they were turned out of the Fort.

About ten o'clock A. M. the Earl proceeded to examine the prisoners, on whose behalf Lieutenant Misani, Lieutenant Brumby, and Captain Matthey, were nominated as Members of the Court; and on the Earl's behalf M'Nabb, Lorimier and another, name unknown; Dr. Allan and Mr. Spencer acted as Secretaries, and it is worthy of observation, that Mr. Spencer is a prisoner, and to be tried before the Court in Montreal next month. The examination lasted till about seven in the evening without interruption. Daniel Mackenzie's examination was postponed till to-morrow. The evening passed quietly.

16th August.

This morning the Captain of the guard told old Mr. Landriau, that he had heard in the night a noise like the breaking open of a padlock. Many such falsehoods are maliciously spread abroad, in order to veil the illegality of Lord Selkirk's proceedings. A few moments before breakfast time a party of six armed men was ordered out, under the command of Captain D'Orsonnens, (well worthy of such expeditions): they marched off at a quick pace, and I followed them, anxious to know what their object was. They appeared to be in search of one of our men, and in fact I saw Pierre Bonza dragged out of his hut; the soldiers all the while cursing and swearing, and uttering the most abusive language, to a man who made no resistance, and gave himself up as prisoner. On this occasion, even the leader of the party, Captain D'Orsonnens, did not scruple to make use of expressions unbecoming a gentleman. They afterwards proceeded to arrest one Brisebois, guide to the North-West Company, who was treated in the same manner.

At a meeting of the Clerks after breakfast this morning, the following representations were agreed upon to be laid before Lord Selkirk; in conformity with which, Mr. M'Tavish and myself waited upon his Lordship, whose answers are annexed:

"Whether the necessary hands will be allowed to assist in taking inventories of the goods and property on hand in the Fort?"	"He will allow three or four hands, provided their names are given in, and that it does not take too many days."
"That the lately arrived Furs in the pack-store, being wet and damaged, require a sufficient number of men to provide against any further damages."	"Allowed six hands for this purpose, provided their names are given in."
"That the fences around the fields have been carried off, and the gate of one of the fields in which part of the cattle was inclosed, broke open."	This was entered into, but the investigation eluded.

"That the hay in the fields
" is rotting, in consequence of
" the people being stopped from
" their work."

" Granted some hands, pro-
" vided a list be given of their
" names."

Several other representations were made, arising from the general confusion, but on the whole his Lordship evaded the greatest part of our questions and complaints, and referred us to his officers *in command*, who, as he plainly said, were better accustomed to matters of vigilance and precaution than he was himself; but that he would sanction every thing they decided upon. After we had left his Lordship we applied to the officers *in command*, and those gentlemen in their turn, evaded our application, with the answer, that they were not vested with sufficient authority, but would put into execution any commands of the Earl.

Having therefore maturely considered the present state of matters, we this afternoon addressed the following Letter to the Earl:

" *To the Right Hon. the Earl of Selkirk.*

" MY LORD,

" Whereas the circumstances occurred at this place have occa-
" sioned a general stand in the regular course of the North-
" West Company's trade, and we having been appointed as chief
" Managers of the Concern, during the absence of the Agents
" and Proprietors, we think it an imperative duty on our part to
" address your Lordship on the subject.

" Our outfits for the Interior have only partly been provided
" for. We therefore, on the present occasion, request that your
" Lordship will be pleased to give the necessary orders, that
" the dispatches of such merchandize as is required for the
" Indian trade, may not be interrupted.

" The season being already far advanced, it is of the most
" urgent necessity that our Montreal canoes should be sent
" off with the Furs and Peltries at present in store, in conse-
" quence of which we also request your Lordship's authority
" for the purpose.

" And as it appears that the whole of the transactions of this " place have been brought to a stand, which in a very short " time may cause an unaccountable confusion, we also apply " to your Lordship for redress in this.

" And as your Lordship's severe precautions induce us to think " that some illicit measures are suspected from us, or those " under us, we beg leave to assure your Lordship, that whatever may be reported on this subject, is utterly false and unfounded: That on the contrary, we have used, and shall continue to do so, all our exertions against any infringement of " the public tranquillity, which on the present occasion is of " such high importance.

" We are,
" My Lord,
" Your Lordship's humble and obedient Servants,

(Signed) " J. C. M'TAVISH.
" J. VANDERSLUYS."

Nothing further remarkable occurred this day. The Earl has been occupied for the greatest part of the day by himself. Daniel Mackenzie's examination, which was expected to have taken place to-day, has again been postponed. I cannot account for the reasons of this delay. Besides the two prisoners arrested this morning, seven more have been taken, viz. Antoine Gonneville, Louis Pereau, Joseph Demarrais, Philibert La Deroute, Augustin Le Vigne, Joseph Landry, and Supplice La Pointe dit Desautel.—The two last-mentioned men went into Athabasca last year for the Hudson's Bay Company, and owe their lives to the North-West Company, eighteen of their people having perished with hunger. A deposition by them to this effect is on record.

17th August.

At about ten o'clock last night, his Lordship let us know that he wanted a list of all the men on the ground before he went to bed, and that without this document it was impossible for him to answer our letter. We immediately consulted on this, and made out and handed his Lordship the list just as he was going to bed. This morning at half past four, we were waked by M'Nabb, who brought a message from the Earl, that he wanted to see M'Tavish. He informed him that he intended to send off twelve gentlemen to Montreal, and ordered M'Tavish to get three canoes ready for that purpose. His Lordship would not mention their names. The men intended to conduct the canoes are also kept secret.

Walking out of the Fort before breakfast this morning, the Earl addressed me, and said I must not be surprized that no answer had as yet been given to our Letter of yesterday, as the inconvenience which the North-West Company's trade had been put to, must not impede the execution of the law. I observed to his Lordship, that our present situation involved us in great responsibility, and that therefore, I had no doubt his Lordship would favour us with a few lines in answer to our Letter, which he promised to do. After breakfast I addressed the Earl for the purpose of having a seal removed from one of my drawers in the Office, which he complied with, and deputed M'Nabb and Dr. Allan to attend. They seized some papers of no value, and sealed them; but I must not omit to mention, that this bundle contains a *Deposition of one Nolin, Clerk to the Hudson's Bay Company, written and signed by himself, in which, amongst other things, he declares, that at the late action at Red River, the Colonists, headed by Mr. Semple, were the aggressors and first assailants;* and that the Half-breeds declared they would not permit any Settlers on their grounds, but would admit as many Traders as chose to come. This bundle was marked, sealed, and signed by me on the outside, as containing such a document. It was put by along with the other papers seized before.

Finding that, notwithstanding Lord Selkirk's promise to answer our letter, no reply had yet been made, we addressed his Lordship again in the afternoon, as follows:

" *To the Right Hon. the Earl of Selkirk.*

" MY LORD,

" Referring to the Letter which we had the honour to address " to you yesterday, we are extremely sorry to find, that until this

" moment we have not been favoured with a reply. We therefore " take the liberty to represent again to your Lordship, the urgency " of sending off both our Montreal and North Brigades, and without appealing to the promise your Lordship has verbally made " to us, not to interfere with the regular course of the North-West " Company's trade, we cannot pass unnoticed, that *we* cannot " be answerable for any prejudicial consequences which may arise " from such a stoppage.

" Being this morning informed by your Lordship's verbal com-" munications, that it was intended that twelve passengers should " go to Montreal to-morrow, we request your Lordship will let " us know, whether the canoes are to be manned by your Lord-" ship's or the North-West people? In the latter case, we shall give " orders that the number required may be ready at such an hour " as your Lordship may appoint.

" We are,
" My Lord,
" Your Lordship's humble and obedient Servants,
(Signed) " J. C. M'TAVISH.
" J. VANDERSLUYS."

Every thing here is industriously kept secret, and although the soldiery behave now somewhat better than at first, yet it is very irksome, and repugnant to us to be under military and arbitrary orders. It would seem as if our assailants were corrupting our men in order to bring false accusations against some individuals. This was tried with a view to inculpate Mr. M'Gillis and Mr. Harrison, who were both accused, without any foundation, by a wretch of an Iroquois, who probably had been bribed for the purpose, of having distributed arms amongst the Canadians the day the Fort was attacked. These and the like schemes are put in practice, and if we could see into their private plottings, it would soon be apparent that the Earl's pursuits are different from what he pretends they are.

18*th August.*

This day has been a very busy one. The whole of the morning was occupied in getting ready the prisoners' baggage. We had not received any answer to our Letters of the preceding days, and were thus quite in the dark how to act. We spoke to his Lordship, who foolishly enough observed, that he thought it was very ridiculous to be writing to a person who was at a distance of no more than two hundred yards. It is very evident, he said this with an intention to evade our legal demands. He appointed the Iroquois, as the people to conduct the canoes. We made out a list of them, and as a proof of the malice and suspicion of Lord Selkirk's Agents, even in the most trifling matters, one Lorimier observed, that the crews consisted chiefly of children, as if it were done on purpose.

After dinner, the fatal order for the departure of the prisoners was given. Their baggage was brought out of the Fort, and exposed on the wharf. Before the Gentlemen embarked, they were condemned to pass through a ceremony, which may in itself be considered a most cruel punishment. They were, one after the other, carried from their prison to his Lordship's tent, which had been emptied for the purpose, and here their baggage was opened, rummaged, and strictly searched. Some papers, which, when the first search took place, were said to be of no consequence, their testamentary dispositions, and their money, was taken from them without mercy, and under the smiles of Capt. D'Orsonnens. Mr. Spencer and Archibald Macdonald were two very active parties in this abominable ceremony; after which, two soldiers were ordered to search their persons. One of them I saw, had the impudence to put his hands into the pocket of Dr. M'Laughlin's trowsers. Mr. M'Gillivray, I observed, suffered very much from such harsh treatment, which was aggravated by *Lord Selkirk refusing to let his own servant go with him.* After this, they went off in three canoes, and a fourth with soldiers followed. All our brave and faithful men, who were spectators of their departure, were silent as the grave! Not from awe of Lord Selkirk's overwhelming power, or of his military precautions and martial law, but from the natural feelings of their hearts, from the unaltered respect they bore for their masters, and from the remembrance of their kindness. Some of these faithful men were not able to conceal their tears, and I saw, what perhaps few have ever seen, —I saw *an Indian weep!*

The Earl's plans and views cannot now be a secret any longer, and the whole of his conduct makes me entertain very serious apprehensions as to the safety of our property, for I anticipate that the whole will be seized upon, if not made away with.

Daniel Mackenzie's examination has not yet taken place: this is the seventh day of his confinement, and moreover, he is the only one of the prisoners kept here.

19th August.

At length the Earl's projects and views, so long disguised, begin to discover themselves. It appears, he has only waited for the absence of our gentlemen, to unmask himself, and put his plans in execution. We sent him a message this morning, requesting an interview. It was granted. We represented the urgent necessity of sending off our canoes for Montreal and the Interior. His Lordship pretended that he could not authorize this without being provided with an invoice of the goods intended for the Interior; and, although we were convinced he had no right to ask such a thing, yet we complied with it, not in consideration of his person, nor through a servile obedience to his unlawful demands, but for the benefit of the North-West Company's trade, and in order to ensure the utmost dispatch. When he was in possession of the invoice, he demanded to see the goods. We took this as a favourable omen, and expected that our entreaties would no longer be laughed at, but ultimately complied with. In this, however, as well as in all he did, he acted hypocritically; and this is the man who boasts of the protection he has afforded the North-West Company's property, by not suffering his soldiers to pillage. I conducted him through all the Dry Goods Stores. He evinced the greatest curiosity in examining every bit of paper that met his eye. At last he found a book on one of the shelves, upon opening which, he found an account under the title of *Shop*. He enquired the meaning of this, which I explained to him. He then enquired whether, if his people wanted any articles, they would be furnished? I answered, that as far as regarded a few articles which *he* might personally stand in need of, they would not be refused; but as for his soldiers, it was impossible to do so. He asked me for the tariff. I told him, I could not justify it to myself to give it.—"But," said he, "there may be some articles which may not be thought of, and be remembered "when I see the tariff." Here, however, his Lordship's cunning was too evident. I told him, that for that purpose I would show the goods to him. He asked me whether I would refuse the gentlemen who were with him, to let them have some articles? I asked his Lordship whether he would guarantee the payment? He said he would for one Spencer, but for none else. I remarked to his Lordship, that when the master declines to be answerable for his servants, it could not reasonably be expected that a person entirely unconnected with them should be so. After having gone through all the stores, I pressed for his early decision with regard to the dispatch of the goods; and, in fact, in his deceiving way of speaking, he gave me some faint hopes. After this we applied for the removal of the seals, which were still on our desks in the Office, which was done, and a bundle of papers taken out and sealed. After dinner we proceeded to repack the trunks and papers seized and sealed on the 14th instant and following days, in order to make them more convenient to be sent off. I assisted: and, as in the confusion of the first night, various seals had been put on, I now marked and numbered all the parcels, and sealed them with the North-West Company's seal. There were twenty parcels in all, which were packed in a box. This business being over, I went to the Office, and there, to my great surprize, found the constables, M'Nabb, and M'Pherson, who had got possession of the keys of all the stores and warehouses, and were ready to march off with them, I enquired into this extraordinary circumstance, and was told that they had seized the keys *in virtue of a Search-warrant issued by the Earl of Selkirk.* I demanded to see this Warrant, which was very reluctantly complied with. When I had perused it, I observed to the constables, that they had acted contrary to the tenor of the Warrant, and that I therefore protested against the illegal taking possession of the keys, and against their postponing the search till next day. That the Warrant very distinctly stated, that the constables should enter *in the day time* into the North-West Company's houses and warehouses, and there search, &c. But that the Warrant by no means authorized them to seize the keys of those buildings in the middle of the day, and carry them off, because we had been stupid enough to suffer such lawless acts without remonstrating. That I insisted, therefore, on the keys being immediately returned, and as those of the provision stores were still in my possession, I resolutely refused to give them up, and declared I should hold those who had the superintendence of those stores, answerable for the consequences, in case they gave way to the illegal demands of the constables. Macpherson then went for the Earl, who came in a great passion, enquiring who had opposed those keys being put into the custody of his constables. I came forward, and told him it was I, and that as long as I remained in charge of the North-West Company's Concern, I would never sanction any such illegal actions; that I did not by any means, intend to oppose the execution of legal Warrants, or obstruct the legal measures adopted by him, in his capacity as a Magistrate, but that, at the same time, my duty was imperative, and that as long as I had the power, I would stand forward to protect the property entrusted to my care, against any illegal attack. The Earl then frivolously pretended that this Warrant could have no effect without his being in possession of all the keys; adding, that he had studied the laws of his country too well, not to know them better than *a foreigner*. I observed to his Lordship, that my being a foreigner had never been any thing *against* me, in the eye of every man of sense, and that I certainly confessed I was not lawyer enough to explain in how far he could in this case, and upon this Warrant, extend his authority, but that nothing could be plainer, than that an order *to enter in the day time into a certain place, and there to search for certain goods*, could not be explained to mean *to seize all the keys of such places, and carry them off*. He threatened, that if the keys were not immediately given up, he would force them from me by military coercion. I told him that they should not be put in his possession till he did so, and I insisted upon the Warrant being put in execution without delay; that it was full day-light (half-past four P. M.), and that I was ready to give his constables access to any place they might desire to search. My determination had the desired effect: his Lordship lowered his tone, and we proceeded to the examination of the provision stores, where none of the goods sought after were found, and the keys of those buildings remained in our possession. It being now too late to search the other buildings, I agreed with the constables, that all the keys should remain this night in *my possession*, locked up in a box, of which they should keep the key, which was done accordingly; and that we should go on to-morrow morning at six o'clock.

Amongst other representations made this morning to the Earl, we told him that if our men remained eight days longer on the ground, we should be short of provisions; and that our fisherman being prevented from pursuing his avocation, this also very much contributed to diminish the stock of provisions on hand; but as usual, our remonstrances had no effect, and no notice was taken of them.

The Earl now occupies two rooms in the mess-house. Two soldiers, with fixed bayonets, are stationed in the hall when we take our meals.

Daniel Mackenzie is not yet examined: this is the ninth day of his imprisonment.

20th August.

Before six this morning, we proceeded to search for the *stolen furs** at Brandon-house, as the Warrant expresses it. We began with the Dry Good Stores, and no furs being found there, the keys were delivered up to me, according to what had been agreed last night with the Earl. Upon entering the Fur Store, they found a vast quantity of peltries, some packed and others not. They saw the difficulty of their enterprise, and in order to put it off, to kill time, and to throw the North-West Company's Concerns more and more into confusion, new and arbitrary orders were issued by Lord Selkirk, to search the stores over again which had just been gone through, under the provoking pretext, that furs, papers, or other articles might be concealed in the bales of dry goods. I however refused to admit them again, as they had once already, in their capacity as constables, declared that they were satisfied the objects of their search were not there. This was reported to the Earl, and *as his Lordship thinks nothing of issuing Warrants* to the first who applies for them, *a fresh one was immediately made out, which was presented to me before it was dry;* this arbitrary document was of the same tenor as the one mentioned before, only with the addition of the words, "and various articles."

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* These were the furs stated before to have been taken on the 19th May. See page 50.

It certainly required more than a common stock of patience to submit to such a number of wilful provocations; especially where it was evident they originated in interested motives, the spirit of retaliation, and the criminal object they had in view, of the total destruction of our trade, and where too they were backed by a ferocious band of lawless soldiery, with arms and artillery; where too these illegal acts were all committed under the pretence of Law, and where the only acting Magistrate was at once our violent oppressor, and our interested rival in trade. Though but little acquainted with the British Laws, I cannot allow myself to think they can in any way sanction Lord Selkirk's conduct. And I cannot help remarking here, that at the time of the French Invasion of my own country, I witnessed much injustice, and a defiance of law and morality, with all the evils accruing to a country overrun by a debauched and ferocious military horde, yet I saw no injustice so glaring as what was committed by the Earl of Selkirk and his agents here.

I have just this moment returned from one of the Warehouses, where they are *searching*, as they call it, for papers or arms in suspicious places, but where they are committing acts which would make a French *Douanier* blush; and all this authorized, instigated, and ordered by a man, vested with the dignity of a Magistrate, and who has the honour of being a Peer of the Realm of Great Britain. They are cutting open bales packed ready for embarkation, and where it is most clearly evident that nothing they are searching for can be concealed. Certainly their warrant does not authorize them to take inventories of the contents, in order to promote Lord Selkirk's mercantile views, to turn every thing upside down, and to leave in a confused heap, what had cost many a day's labour to get ready and pack up. I have remonstrated against their conduct, but they laugh at me. The presence of Lord Selkirk with his troops, and the absence of all law and right, support them in this behaviour. Capt. Matthey, and M'Pherson the constable, were the actors in this disgraceful scene.

At about one o'clock P.M. Mr. John M'Gillivray arrived from the interior, in company with Archibald M'Gillivray and William Henry. They had scarcely entered the gate when they were stopped, and about five minutes after a Warrant was served, and John M'Gillivray taken prisoner, confined, and all access to, and communication with him forbidden. Archibald M'Gillivray and William Henry are Clerks to the North-West Company.

At length Daniel Mackenzie has undergone an examination, and was committed to the gaol where the common men are confined.

A circumstance which cannot be passed unnoticed, and which shows no small degree of effrontery and impudence, is, that when we had complied with Lord Selkirk's request to give up a few rooms for some sick people and women, as we were told, the weather being very bad and cold, and these rooms were occupied accordingly; yet now these same sick people and women are having a dance in one of these rooms, with music, singing, and other annoyances to the peaceable and lawful inhabitants of the Fort.

The gentlemen who arrived this morning, as before-mentioned, are deprived of their baggage, which has been locked up by the Earl's orders, probably to be examined. But why put this off till another day, and keep these persons, just arrived from a long voyage, from their clean linen and other comforts, just to suit the convenience of Lord Selkirk and his constables?

Mr. Tait, who has the superintendance of the buildings, &c. in the Fort, represented this morning to his Lordship, that his soldiers had carried off and burnt a great part of the pickets and fences. Lord Selkirk replied, *that it was what might naturally be expected, when they were not supplied with fuel!*

21st August.

I went to see the Earl this morning, and mentioned to him that the dry goods stores had been searched a second time, so that there could not be any longer any obstacle to sending off our goods; but as usual, new pretexts, and new difficulties were started, and in consequence of this we sent him this afternoon at four o'clock the following Protest.

" We the undersigned, being duly appointed by William " M'Gillivray and Kenneth Mackenzie, Esqrs. Agents for the " North-West Company, to superintend, direct, and govern their " concerns during their and the Proprietors of the said Com- " pany's absence, and having repeatedly represented to the Right " Honourable the Earl of Selkirk, at present the only acting " Magistrate at this place, as well by word of mouth as in writing, " that it is of the most urgent necessity that the forwarding of " the goods and merchandize, prepared, baled, packed, and " ready at this place, for various quarters of the Indian Country, " and solely intended for the supply of the Indian or Fur Trade, " should not be obstructed, impeded, nor retarded; as also that " the Furs and Peltries, at present stored here in the North- " West Company's warehouses, should forthwith, and without " any delay, be sent off for Montreal, and that in consequence " of this, and for this purpose only, the necessary workmen, who " by notarial agreements are in the service and pay of the " North-West Company, should not be prevented nor hindered " from fulfilling the duty required of them; and whereas the

" said Right Honourable the Earl of Selkirk has hitherto, " through various Warrants in his name issued, caused the above " representations to be without effect, and also caused a pernicious delay in the regular course of the North-West Company's trade; and whereas the afore-mentioned Warrants have " every one of them been put into execution, and thoroughly " carried into effect, in as far as regards the goods and merchandize designed for the Interior, or Indian Country, and the " execution of the said Warrants, in regard to the Furs and Peltries aforesaid, and designed for Montreal, been postponed " without any legal reason assigned; we the undersigned Superintendants, and Managers of the North-West Company's " Concerns, do therefore jointly and severally, in the name and " behalf of the Proprietors, most formally and solemnly Protest against the detention of the North-West Company's goods " and merchandize, and the obstruction put to their regular " trade, and also against all those whom it may concern.

" Done at Fort William, in the district of Kaministiguiâ, " this 21st day of August, in the year of our Lord 1816."

(Signed) " J. C. M'TAVISH, (L. S.)
" J. VANDERSLUYS, (L. S.)

" Signed, sealed, and delivered, in the presence of
(Signed) " ROBERT M'ROBB,
" ROBERT COWIE."

I offered this morning bail for Daniel Mackenzie, which was refused.

22nd August.

Early this morning, before day-light, I believe, a canoe arrived with dispatches from Montreal for the Company. They were taken from the guide, and put into the custody of a soldier of the 37th regiment. When I was informed of this, I addressed the Earl of Selkirk as follows:

" *To the Right Hon. the Earl of Selkirk, Justice of the Peace.*

" MY LORD,

" Whereas a canoe arrived this morning from Montreal, with " dispatches for the North-West Company, and which have been

" taken by Captain Matthey from the bearerof them, and " placed under the charge of a centinel; we take the liberty to " apply to your Lordship, in order to know the reason of such " proceeding, and to have the aforesaid dispatches delivered up " to us.

" We are,
" My Lord,
" Your Lordship's humble and obedient Servants,
(Signed) " J. C. M'TAVISH.
" J. VANDERSLUYS."

After breakfast his Lordship sent word that he wanted to see us. He informed us, that the dispatches had been seized upon the same principle as the other papers of the North-West Company, and were equally liable to be examined. I questioned the legality of this, as these dispatches could not have been included in his former Warrant, and no new one having been served.

He also communicated to us, that he had received our Protest of yesterday; adding, that we were ourselves greatly the cause of the delay which was put to the forwarding of the goods, for not having put him in possession of the invoices of the goods intended for the Interior. The hypocrite! We have done more than with any degree of propriety we ought to have taken upon ourselves. But his mask is only torn as yet, it will soon be completely thrown off.

At this interview he handed in the following Letter:

" *Fort William, August* 1816.

" GENTLEMEN,

" In order to obviate the possibility of any mistake, I beg " to have your answer in writing to this query:—Whether the " thirty-four packs of Furs marked RR, which you have pointed " out as those set apart by order of the Agents of the North-" West Company, are to be given up to the Hudson's Bay Com-" pany as their property, and whether on this principle, you are

"ready to send them down to Montreal, consigned to Messrs.
"Maitland, Garden and Auldjo, Agents of that Company?

"I am,
"Gentlemen,
"Your obedient Servant,
(Signed) "SELKIRK.

"*To Messrs. M'Tavish and Vandersluys.*"

After we had gone to the Office to write an answer to the above, his Lordship sent word, that he intended to proceed to the examination of the box with dispatches, which was done accordingly in our presence. The contents were principally the Proclamations of His Excellency the Governor in Chief, but amongst others, there was a Letter addressed to A. N. M'Leod, which his Lordship broke open and read. It was from John M'Tavish in Montreal, and contained nothing but private matters. Mr. M'Leod being no prisoner, I know not in how far this may be justifiable. Another letter with the Quebec post-mark, and addressed to James Hughes, was put by with the other papers. We represented to the Earl the urgency of forwarding Governor Sherbrooke's Proclamations to our Gentlemen in the Interior, and that for this purpose we could get a canoe ready, and select a crew in a very short time; which his Lordship said he would take into consideration.

We now sent an answer to the Earl's before-mentioned Letter, which were in the following terms, and handed to him by M'Robb, at eleven o'clock this morning.

"*To the Right Hon. the Earl of Selkirk.*

"MY LORD,

"In reply to the Letter which was handed to us this morning, "personally by your Lordship, we beg to state, that the thirty-"four packs of Furs marked R R, which have been set apart "from the other peltries of the North-West Company, cannot "be given up as Hudson's Bay Company property, but that we

" are ready to send them down to Montreal, to the care of
" some house unconnected with both Companies.

" We are,
" My Lord,
" Your Lordship's most humble and obedient Servants,
(Signed) " J. C. M'TAVISH.
" J. VANDERSLUYS."

While writing this, I receive information that our workmen in the carpenter's house have been turned out, and the place occupied by nine soldiers, who are making gun-carriages.

After I had ascertained the truth of this report, I communicated the fact to M'Tavish and others. We agreed to apply to the Earl of Selkirk, in his capacity as a Magistrate, and there made oath, that nine men had been ordered by Captain Matthey, to take possession of the North-West Company's carpenter's house, and there to make gun-carriages; that not only our tools were made use of for this purpose, but that we had every reason to believe that the North-West Company's wood also was converted to it;—that we considered it as a breach of the peace, and that upon our remonstrating with Captain Matthey on the subject, he seemed to put the laws at defiance, by telling us *that he would go on with it.* That having received this morning Governor Sherbrooke's Proclamations, we the more insisted upon his Lordship using his authority as a Magistrate to bring Captain Matthey to give an account of his conduct in this respect. Though the Earl's answer was not difficult to be anticipated, yet we made the application to him for our own responsibility. M'Tavish and myself were the plaintiffs, M'Robb and Cowie, the witnesses. Having represented the facts as above stated to his Lordship, he enlarged much on the subject, but when we pressed more and more upon him, that *as a Magistrate, and the only one in the place, we would not expect that justice would be refused us by him,* he flew into a passion, saying, that he could not interfere for the North-West Company as he would for any one else, and that he had not the entire controul over these people;—that he did not know if they would obey him; and that he did not choose to risk his own personal safety for the sake of protecting the North-West Company's property.

This evening a soldier asked me for candles for the guard-house. I told him it was not to me he should apply for them. He returned, and his Captain sent me word, that if no candles were supplied he would light a fire in the middle of the Fort.

Daniel Mackenzie has been removed from gaol, and is now confined in his own room.

Lieutenants Misani and Brumby left the Fort in the afternoon, at about three o'clock. They intend to encamp on the Island till to-morrow morning ten o'clock, in order to conduct Mr. John M'Gillivray, whom Lord Selkirk intends to send down to the rest of the prisoners.

This morning the old Warrant was again put in force, and the trunks of all the wintering Clerks searched.

23rd August.

This morning, before six, Mr. Spencer brought a message from his Lordship, that provisions should be given to the crew of a canoe intended to take down two prisoners. To this objections were made on our part. Lord Selkirk sent a written order for the purpose, of the following tenor:

"Sir,

"You will please furnish the canoe, now to set out with "Mr. M'Donald and the prisoners going to Montreal, with pro-"visions and other accommodations for two gentlemen and the "crew, in the same proportion as usually supplied for that "voyage.

"I am, Sir,
"Your obedient Servant,
(Signed) "SELKIRK.

"*To Mr. J. C. M'Tavish.*"

I had this morning taken into my possession the key of the carpenter's shop, as it appeared that his Lordship did not take any steps to investigate our just complaints. M'Tavish thought it was better to give up the key. Capt. Matthey told me *that he would not answer for my safety*, in case his soldiers took it into their heads to revenge themselves upon me, and that therefore I should take care of myself; the more, *as his people had been so long accustomed, in Spain, to scenes of murder and pillage.*

Mr. John M'Gillivray was sent off this morning to the Island, where the two officers were waiting for him. The canoe returned a short time after. In the afternoon, the canoe with the two prisoners (Brisebois and La Vigne) went off, conducted by Archibald M'Donald and Williamson.

Besides the carpenter's shop, the smith's shop has also been taken possession of, and both our wood and iron is made use of. Our potatoe fields and garden are ransacked by the Earl's people, and our remonstrances against this, laughed at. If the gates are locked, they are broke open, and the pickets and fences destroyed.

24th August.

The whole of this day passed without any thing worth mentioning. His Lordship has not made his appearance at all, and has been writing the whole day.

A boat arrived to-day for the Earl, with some Glengarys, and Hector M'Donald.

Pierre Banza is at liberty, and two or three more, as I understand. Daniel Mackenzie is still in close confinement.

25th August.

This morning we waited upon the Earl, and insisted now more than ever, to have his decided answer in regard to our Trade, and to know whether it was his intention to prevent our Goods from going into the Interior, and our Furs to Montreal, and so put a final stop to our business? With various pretences, he sufficiently gave us to understand, that it was his determination not to suffer any of our Goods to be sent into the Interior, nor to Fond du Lac; and with regard to the Peltries for Montreal, he had some proposals to make which (these were his own words) " were the result of a very long "consideration." But before he could enter into them, he required to see the written document by which Mr. M'Gillivray had vested in us the power to act without reserve in behalf of the North-West Company, during the absence of the Agents and Proprietors. We told him we had no such document, but that we considered Mr. M'Gillivray's word on the subject, given to him personally, in the presence of all the North-West Company's Partners then at Fort William, and in the presence of several other gentlemen, as a sufficient warrant for the approbation of any arrangement on our part. He observed, that he should wish to be provided with a Certificate, signed by the witnesses who were present when Mr. M'Gillivray committed to us the power to act in behalf of the North-West Company, as he could not take upon himself the responsibility of a mere verbal communication. We complied with this in the following words:

" We, the undersigned, do by these Presents declare, that " we were present when William M'Gillivray and Kenneth " Mackenzie, Esqrs. Agents regularly appointed for the North-" West Company, did, on the morning of the 14th of August, " 1816, before the Right Honourable the Earl of Selkirk, and " in presence of all the Partners then at Fort William, and in " the name of the Company at large, appoint James Chisholm " M'Tavish and Jasper Vandersluys, as Head Clerks, and vested " in them full power and authority to act for the North-West " Company during their and the Proprietors' absence.

(Signed) " ROBERT M'ROBB.

" *Fort William, 25th August*, 1816."

He was not satisfied that this was signed by only one, but we told him that on our part there had not been any one else present, now in the Fort, except Daniel Mackenzie the prisoner, whose signature was then got to ratify it. His Lordship being now in possession of this document, we expected his overtures, but as usual, new delays took place: he now told us that he must consider of the extent of our powers, and would therefore postpone the proposals he had to make till to-morrow, adding thus another wasted day, to the many that had gone before.

Four batteaux went off this morning for St. Mary's and Drummond's Island, for provisions, under the guidance of M'Nabb.

Two canoes loaded with arms and ammunition started in the afternoon for Fond du Lac, under the command of Mr. Pambrun.

26th August.

A light canoe started this morning, at seven o'clock. She was manned by nine Canadians, and bound, as I understand, for Lake Winnipic, Mr. Pritchard, commander. Baptist Wells, one of our men, was amongst the number, and engaged to them.

After breakfast we waited upon the Earl, agreeable to the understanding of yesterday. We were received with more than usual politeness. Dr. Allan was present. The Earl told us, that he had weighed the extent of our authority, and that he was of opinion that, under the circumstances in which it was given, it would be considered in a Court of Justice, as equivalent to a regular Power of Attorney. He then proposed, that as a law-suit would be extremely tedious and expensive, an Arbitration should be entered into in London, for the settlement of all the differences which had existed between the two Companies for the last four years. We acquiesced, that certainly some amicable arrangement would be far preferable for both Companies than engaging in suits at law; but that as the subject was too important to be treated verbally, and as we were now well acquainted with the outline of his plan, we requested he would put his proposals in the shape of a letter; and that we would reflect upon the matter, which he promised to do, and in the afternoon we received the following Letter:

" *Fort William, 27th August,* 1816.

" GENTLEMEN,

" Understanding from the papers which you showed to " me yesterday, as well as from my own recollection of the verbal declaration of Mr. M‘Gillivray and the other Partners of the North-West Company, on the 14th instant, that you have full power and authority to act for the Company, in the same manner as if these Gentlemen had signed a Power of Attorney in regular form; and understanding also, that you are disposed on the part of the North-West Company, to put an end to the disgraceful system of lawless retaliation which has hitherto prevailed in the Interior, I beg leave to propose an arrangement, which I trust will effectually accomplish that object.

"1st, That we should agree upon two Gentlemen at London, of the highest character, as men of business as well as men of integrity, to be appointed Arbiters between the North-West Company and me, with full power to investigate all the acts of aggression or illegal injuries alledged to have been committed on either side, during the last four years, in the territories of the Hudson's Bay Company or North-West; understanding that on both sides the parties shall be liable for the damages arising from acts committed by those under their controul; that I shall be liable to indemnify the North-West Company for any injury done by my Agents, Servants, or Settlers acting under them; and that, on the other hand, the North-West Company collectively, shall be liable to indemnify me for any injury done by any of their Partners, Clerks, or Servants, or by any person employed by them; and that the Arbiters, after hearing the evidence on both sides, shall determine on the whole, what compensation is to be paid by either party to the other.

"2d, That the Furs now in store at Fort William, shall be consigned to some house at Montreal, not connected with either party, to be by them shipped for London, and consigned to the Arbiters above-mentioned, or to some mercantile house to be named by them. That the Arbiters shall be authorized, as trustees, to dispose of this property, and to vest the proceeds as may appear to them most advisable, till their final Award is given, and that if a compensation for damages is found to be due by the North-West Company, the funds

" thus placed in the hands of the Arbiters, may be applied by " them to this purpose.

" 3d, That a proportion of the Furs shall remain in store " at Fort William, till it be ascertained whether the Partners of " the North-West Company at Montreal, or elsewhere, ratify " and confirm the Agreement; and that if by direct or indirect " means, they prevent this Agreement from being *bona fide* carried into effect, I shall be at liberty to distrain these Furs, and " all other goods remaining at Fort William, by the ordinary " process as at common law, so as to keep them as a pledge for " the payment of the compensation for damages due to me by " the North-West Company, and for the restoration of my property, illegally seized by their servants in the month of June " last, and now in their hands.

" 4th, That till the restoration of the property so illegally " seized, I shall be supplied with any article for which I may " have occasion, of the property of the North-West Company at " this place, for which the Company is to debit me at the same " rate that they charge for supplies furnished to their own Proprietors individually.

" I flatter myself that these Propositions are so evidently " reasonable, that they cannot fail to meet with your approbation, and that as they have been dictated by a sincere desire " of conciliation, they will be received by a corresponding spirit.

" I am,
" Gentlemen,
" Your very obedient Servant,
(Signed) " SELKIRK.

" *To Messrs. M'Tavish and Vandersluys, acting for the North-West Company.*"

And so the Magistrate has at last thrown off the mask entirely!—Our answer to these inadmissible proposals required very little reflection, and here it follows:

"*Fort William, 26th Aug.* 1816.

"MY LORD,

"We have received your Letter (dated the 27th instant) "which was handed to us this day, proposing to effect an ar"rangement through the medium of Arbitration, in regard to "*some* of the existing differences between your Lordship and "the North-West Company.

"We have maturely considered and deliberated upon the "object in view, and though we have verbally expressed to "your Lordship, that it is our sincerest wish and desire to esta"blish some Convention which may contribute to conciliate the "parties, yet we are extremely sorry to state, that finding the "principle of the proposed conditions to that effect utterly in"admissible, we cannot conscientiously enter into the negocia"tion, as intended by your Lordship; and as the interference of "the Legislature must be the inevitable consequences of the "measures already resorted to by your Lordship, we are of "opinion, that it is by far preferable that the *whole* of the ex"isting differences shall be brought before a Court of Justice.

"We therefore beg leave to request your Lordship to fa"vour us with your decided answer, in regard to our Goods for "the Interior, and our Peltries for Montreal, in order that we "may be enabled to take the necessary measures to prevent the "state of starvation, to which, on account of our small stock "of provisions, every day's delay contributes so materially."

"We are,
"My Lord,
"Your Lordship's most humble
"and obedient Servants,
(Signed) "J. C. M'TAVISH.
"J. VANDERSLUYS.

"*To the Right Honourable*
"*the Earl of Selkirk.*"

27th August.

The Earl sent for us this morning. He told us he had received our Letter of yesterday, and that our answer was such as he could not have expected, from the motives which had dictated his. That as there was now no other alternative, our men would be obliged to go down light; that we might make the necessary preparation for sending them off, and that he would give us a formal answer to our Letter, to that effect.

I communicated my intention to the Earl, to leave Fort William to-morrow for Montreal, my presence being no longer necessary, since he had now decidedly refused to let the Peltries be sent off. To this he made no objection.

28*th August*.

Lord Selkirk asked me if I continued of the same opinion with regard to his proposals. I told him I did. He asked me if I could tell him the amount of Goods on hand at Fort William, exclusive of the Peltries. I told him I could not. Because, added he, there might still be found means of sending the Peltries down, in case the Goods amounted to as much as his demands upon the North-West Company did. I told him that no agreement or convention could be made whilst he laid down as a principle, the retention of *a pledge* or *indemnification;* but that as I was aware he was in distress for many articles, I was willing to consult with M'Tavish on the subject, and perhaps let him have a certain quantity of goods, by way of obliging him, and at the price of cost and charges, with a certain advance to be agreed upon, and on the condition of immediate payment on my arrival at Montreal, as well as under the stipulation that our Peltries should go down without any restraint. He answered, that he could not accept of such proposals. I then told him, that I considered all negociation as at an end, and that I should forthwith proceed to Montreal, to carry thither an account of his conduct, making him at the same time answerable for any loss the North-West Company might sustain by the detention of their goods. I asked him if he would favour me with his answer to our Letter, as he had promised yesterday. He replied, that upon consideration, he did not think it necessary to give such answer to me, but that he would do so to those who were entitled to ask for it. I requested an explanation of what he meant by this—and he said he would explain his reasons to people of superior authority.

I left Fort William in the afternoon, at about four o'clock, and arrived at Montreal on the 14th September.

This simple and correct detail of the most extraordinary outrage which was ever committed against the Laws of a Civilized Country, by a person of the rank of Lord Selkirk, will in itself create sufficient astonishment; but it is impossible not to advert to other circumstances connected with it, which still more aggravate the enormity of the transaction.

The persons arrested, after being treated with studied indignity and insult, were embarked as prisoners, under a guard of foreign soldiers, in their own canoes, manned with their own servants, but not prepared in the usual manner for the accommodation of passengers: others, fit for their conveyance, had been got ready by their Clerks, in which they were not allowed to embark; and those selected, were so overloaded, as to place the passengers in imminent danger of their lives. There were above fifty canoes in the Fort, from which a sufficient number might easily have been appropriated for the *safe* conveyance of the prisoners, had Lord Selkirk considered their safety of the most trifling importance. One canoe, in which three prisoners, Kenneth Mackenzie, Allan

Macdonell, and John M'Laughlin, were embarked, was considerably under the usual size, and could not carry with safety more than fifteen persons, with their baggage and provisions; yet entirely disregarding the representations and remonstrances made of the danger to be apprehended, his Lordship ordered twenty-one persons to be embarked in it, and, as had been predicted, in the passage on the Lake the canoe filled and upset, *in consequence of being so overloaded;* Mr. Mackenzie and eight other persons were drowned, and the survivors narrowly escaped with their lives*.

To create delay, and prolong the confinement and the sufferings of the prisoners, the guard was ordered to convey them to Sandwich, in the Western District of Upper Canada, where the Warrant directed their committal to the common gaol, at a distance of 600 miles from the Court which had legal jurisdiction of the case; his Lordship having calculated upon their detention at Sandwich for some weeks, before their liberation by writ of *Habeas Corpus* could take place.

Fortunately, however, on their route to Sandwich, they were obliged to pass through York, and the Judges and Attorney-General being then on Circuit at Kingston, the Governor ordered the guard to proceed there. The Judges, finding the crimes charged in the Warrant were alledged to have been committed *in the Indian Territory*, directed the prisoners to be taken to Montreal, and thus frustrated his Lordship's plan, for subjecting these Gentlemen to a prolonged and degrading imprisonment.

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* How far the Earl of Selkirk is legally responsible for death thus happening, in the prosecution of an unwarrantable act, and while an innocent man was under conveyance by his orders in a state of unlawful imprisonment, may perhaps be doubtful; but it cannot be doubted, that a heavy *moral* responsibility attaches to his Lordship in this transaction.

On their arrival at Montreal, they were brought before the Court of King's Bench, and the most vindictive arguments were urged for their commitment. The crimes imputed to them were very serious—no less than High-treason, Conspiracy, and Murder! If there had been a shadow of proof in support of such accusations, the Court must have committed them; but they were, without hesitation, admitted to bail.

The conduct of Lord Selkirk, in possession of Fort William, was as indefensible as were the means by which he had acquired it. While vengeance and rivalship against the Proprietors and the Company, were his real motives and feelings, in gratifying those passions he adopted the forms of justice; and, as if conscious this would avail him little when the day of trial and retribution should arrive, he employed the additional precaution of obtaining, by threats or intrigue, from the astonished Clerks left in possession of the property, their sanction and ostensible warrant for his proceedings. While Mr. Vandersluys remained, he acted with coolness, firmness, and propriety;

but after his departure, the other Clerks, confounded at the scene passing around them, were induced to fit out canoes manned with their *Employers' people*, and equipped with their property, to forward his Lordship's expresses to the Interior, and to assist in his trade ; and it is certainly some apology for them, that upon the least demur to the execution of his mandates, a file of men, with fixed bayonets, was at hand, to enforce his Lordship's commands. He turned out the people to seek shelter where it could be found, and refused the reiterated entreaties of the remaining Clerks, to permit about sixteen canoes, whose cargoes had been already assorted and made up for the Trade, to proceed to their destination. The Furs on hand, to the value of about 60,000*l.* were already, as appears by his Letter, appropriated to his special indemnification for losses he had sustained in his own speculations, under the pretence that his projects had been injured by the owners of the property.

Knowing the value of the North-West Company's servants who were to have proceeded in their service to the Interior, for the winter trade, he enticed such of them as he could persuade, or delude into his service, by pretending a secret authority for all his aggressions on their masters, and by alledging that he could release them from their engagements. Those whom he could not debauch, were kept in useless inactivity at a grievous expence, at a time when their services were so essen tial; some who resisted these acts, were sent down to Canada, under pretext of being required as witnesses on the trial of their masters; and others, his Lordship ordered in the King's name to labour in his service. He imprisoned many at pleasure, in order to terrify them into submission, and to extract information, by holding out to them the hope of release, or the terror of accusation*.

As soon as intelligence of these lawless proceedings was received at Montreal, Mr. Richardson repaired to Quebec, to lay a full account of the particulars before Sir John Sherbrooke; and Mr. M'Gillivray followed the moment he was liberated from confinement.

The Governor listened with attention to the complaints of these Gentlemen, and gave them every assurance that the Provincial Government would afford all the assistance in its power, consistent with justice and impartiality, to those placed under its protection. More was not desired, but they were convinced extraordinary measures could alone rescue their property from the lawless banditti who had possession of it, and who, it was evident, could not, on all occasions, be controuled by their leader. The season was rapidly advancing, and the North-West Company entertained no doubt that the further object of Lord Selkirk (for which, indeed, he had already made preparations), was to obtain possession of the communication between Lake Superior and the Interior, and to prevent any information of the occurrences at Fort William, excepting such as were favourable to his own objects, reaching the Wintering Stations. Although the parties he had dispatched for this purpose were not sufficiently numerous to act hostilely against the Trading Posts, still the impression the whole proceeding was calculated to produce on all persons having charge of the Company's Concerns, and which could not be removed by correct information, was much to be apprehended; and Lord Selkirk might succeed, by intimidation, or by reinforcing, in spring, the parties now sent forward to intercept the returns of the winter's trade, which he could either detain in the Interior, or send down from Lake Winnipic to Hudson's Bay. The North-West Company could place no reliance on his Lordship's abstaining from any measures which might complete their ruin, and in this manner he might obtain possession of their property in the country, to the extent probably of 250,000*l.*

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* See the Depositions of Robert Cowie, and Robert M'Robb, in the Appendix, Nos. XXI. and XXII.

Sir John Sherbrooke, unprepared for an emergency he could not contemplate, even from the preceding intelligence of the transactions at the Red River, found it necessary to proceed with extreme caution and deliberation. He had probably no instructions from His Majesty's Ministers, what course to pursue in the disputes which they must have been aware would arise between the parties *in the Indian Country.* Upon reference, however, to the Legal Authorities at Quebec, it was found that Fort William, the scene of this last outrage, was *situated in the Western District of Upper Canada**, and Sir John Sherbrooke was desirous of consulting Mr. Gore, the Civil Governor of that Province, then at York, respecting the measures which it might be expedient for them to take jointly, on the occasion.

In the mean time, in the hope that the Governor might be induced promptly to interfere, and to send up an Officer with sufficient force and authority, to restore to them possession of their property, the North-West Company had equipped two brigades of canoes at Montreal, manned with Canadians and Iroquois Indians, to bring down the Furs for embarkation to England. These, with the exception of two canoes left behind to take up the expected Authority, were dispatched under the command of Mr. De Rocheblave, one of their Partners, to wait at the Sault, St. Mary's, the entrance to Lake Superior, for further directions. When it was ascertained that some delay must take place in the decision of the Government at Quebec, and that Fort William was within the jurisdiction of *Upper Canada,* Mr. Henry Mackenzie was dispatched to that Province with the necessary witnesses, to obtain Warrants from the proper Authorities for the apprehension of Lord Selkirk. Mr. M'Gillivray followed towards York, and, on his route, met Governor Gore proceeding to Quebec; but as the navigation would be closed before any measure could be taken, in consequence of the meeting between the Governors, he determined to follow the ordinary legal process for redress. Warrants were granted by a Magistrate of the Western District of Upper Canada, on evidence of Lord Selkirk's outrages, and Mr. Smith, the Under Sheriff, with an assistant, was ordered to carry them into execution. They proceeded forthwith to join Mr. De Rocheblave at the Sault, but so much time had been lost in making these various arrangements, that the plan was entirely frustrated by the lateness of the season.

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* That *Fort William*, the scene of Lord Selkirk's last outrage, is within the limits of Canada, and not within the "*debateable* ground" of the Hudson's Bay Company, is incontestible. The French had a Fort or Station, called by them *Camanistigoyen*, nearly as the place now called Fort William, and upon the river now called Kaministiguiâ, more than a century ago.—See Lahontain's Travels, vol. i. p. 214, of the English Translation.

Mr. De Rocheblave, with his party, reached the Sault, St. Mary's, on the 19th of October; and, having no information of the proceedings at Quebec or in Upper Canada, as a preliminary measure, he sent on to Fort William, a constable and twelve men with Criminal Warrants issued against Lord Selkirk and the De Meuron Officers, by Dr. Mitchell of St. Joseph's. This constable arrived at Fort William on the 7th November, and executed the Warrant, by arresting his Lordship and the Foreign Officers. At first his Lordship hesitated, as to the conduct he should pursue, but possibly considering he had gone too far to recede, and knowing the constable had not sufficient force to compel his submission, he refused obedience to his authority. The constable was placed under a guard of six soldiers, who constantly attended him while he remained, but in a day or two he was ordered to leave the Fort*.

After dispatching the constable to Fort William, Mr. De Rocheblave and his party remained about a fortnight at the Sault, in hopes of obtaining further instructions, or authority from Canada; and at length, the season being far advanced, provisions becoming scarce, and the men growing impatient, they had actually set out on their return to Canada, when, in Lake Huron, they met the Sheriff, Mr. Smith, proceeding to join them. They immediately returned to the Sault, and embarked on board the North-West Company's Schooner, Invincible, to cross Lake Superior: a gale of wind ensuing, the Schooner was unfortunately wrecked, and totally lost on the 13th November. The crew and passengers were saved, but having no other conveyance, and being unable to continue their attempt to reach Fort William, they were obliged to return, and arrived at Montreal on the 28th December, after a most fatiguing journey, performed chiefly on foot.

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* See Appendix, No. XXIX.

Thus Lord Selkirk remains for the winter in quiet possession of the North-West Company's Depôt and Property; and it appears further, that he has been extremely active in extending his depredations, and taking forcible possession of all the other Trading Posts and Property within his reach.

One detachment of De Meuron soldiers was sent to *Fond du Lac*, the Trading Post on the River St. Louis, which falls into the west end of Lake Superior, *within the American territory*, as recognized in former and recent Treaties, where Mr. Grant, who had charge, was taken prisoner, and deprived of the property in his possession. The merchandize seized at this station *had paid duties to the American Government*, and was jointly the property of the North-West Company and of *American Citizens who were interested in this part of the Trade.*

Another detachment of his Lordship's soldiers was sent round the Posts on Lake Superior, situated to the eastward of Fort William; and Mr. Mackintosh, the Partner at *Michipicoton*, was taken prisoner.

During Mr. De Rocheblave's detention at the Sault, waiting for the Sheriff, as already stated, a party of De Meuron soldiers arrived with these Gentlemen in custody, proceeding to Canada, in canoes belonging to the North-West Company, and navigated by their servants. Mr. De Rocheblave took the canoes from the De Meuron guard, but did not further interfere with them or their prisoners. These last proceeded, however, *in their own justification, and surrendered themselves* to the Authorities in Lower Canada, where they were admitted to bail on the accusations preferred against them.

Another party, under the command of Mr. Fidler, was dispatched by Lord Selkirk to seize the North-West Company's Post at *Lac la Pluie*, on the communication from Lake Superior to the Interior. Mr. Dease, a Clerk of the North-West Company, who was in charge of this post, refused to surrender it; and as Mr. Fidler was not prepared with sufficient means to obtain possession by force, he was obliged to return, and report his proceedings to Lord Selkirk. His Lordship, to remedy this failure, sent off Captain D'Orsonnens, with a party of soldiers and two field-pieces, who regularly invested and blockaded the place. Mr. Dease had with him only seven men, who depended for their subsistence on fishing, and a quantity of "*foll' avoine*," a species of wild rice which had been collected in the swamps adjoining the Lake during autumn, and deposited till it could be conveyed to the Fort in winter. Being deprived of these supplies by Captain D'Orsonnens' blockade, and that Officer having sent him notice, *that he could not be answerable for the conduct of his soldiers*, if they should be further resisted, Mr. Dease was compelled, by the circumstances in which he was placed, to surrender. This station, after Fort William, is the most important to the security of the Trade, as it is situated upon the immediate communication to the Interior, and is a chief depôt for the stores and provisions of the North-West Company.

It is also stated in recent letters, that Lord Selkirk had made preparations to erect a Fort between Lake Superior and Lac de la Pluie, at the point where, *in his judgment*, the Hudson's Bay Company's Territories commence; and that he has removed from Fort William into the adjacent territory of the United States, one of the wooden buildings or stores belonging to the North-West Company. To both points he was opening *winter roads**, and it is understood he intended to remove the property *out of the jurisdiction of Canada*, as best suited his purpose, either within the alledged boundaries of the Hudson's Bay Company, or entirely beyond the controul of British authority. The Fort between Lake Superior and Lac la Pluie is evidently intended to cut off all communication of the North-West Company's distant Posts with Canada, on the opening of the navigation, and thus, by intercepting supplies, to reduce the Traders to submission, and to obtain possession of the returns of their Trade.

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* A *winter road* is formed, by merely cutting away trees and brushwood, so as to open an avenue through the woods, which becomes a good *sleigh road*, so soon as a sufficient quantity of snow has fallen to cover the ground.

The result of the deliberations of Sir John Sherbrooke and Governor Gore, founded upon the information they possessed, previous to Mr. M'Gillivray and Mr. Mackenzie's journey to Upper Canada, and Mr. De Rocheblave's expedition to the Sault, was the appointment of Messrs. Coltman and Fletcher, Gentlemen of unimpeachable character and independence, to examine into all the occurrences which had taken place, and with full power to act as circumstances might dictate. Notwithstanding the assumed jurisdiction of the Hudson's Bay Company, upon full consideration of the case by the Executive Council, these Gentlemen were authorized to act throughout the Indian Territories as specified in the 43rd of the King; and although the Canadians may not obtain reparation for the past, they expect from the mission of these Gentlemen, protection to their Trade for the future, if the authority they have derived from the Provincial Governors shall be fully and amply confirmed by His Majesty's Ministers. The Commissioners only left Montreal for Upper Canada, where it was necessary to obtain their ultimate instructions, on the 8th of November, but, as might have been expected, from the late season, they found it impossible to reach Fort William. Having received their final instructions at York, they however made the attempt, and proceeded by way of Lake Simcoe, towards Lake Huron;

but at the head of the Notawasaga River, finding ice already formed in considerable quantities, they returned to York, from whence they will proceed in the spring, and they may possibly reach Fort William in the beginning of June.

It has been justly observed, by a writer in one of the Public Journals of Montreal, that in the discussions which have taken place in print in Canada, Lord Selkirk has derived an advantage even from the enormity of the offences of which he stands charged, and that his conduct appears so incredible, that it is difficult to persuade the public, that any person in possession of his reason and senses, should have so committed himself. If this remark applies with any force to what has been already stated, the following transaction, which closes so far the history of his Lordship's proceedings, (and intelligence of which has only been received, after the preceding part of the Narrative had been written), requires all the proof which is offered in support of it, to give it even the sanction of probability.

Of all the Partners of the North-West Company who were arrested *on the same charges* at Fort William, and who joined in the Protest recited in Mr. Vandersluys' Journal, Mr. Daniel Mackenzie was alone detained, as it *now* appears, to answer an especial purpose of the *Noble Lord's*. This person had been for several years at variance with his Partners, and after some tedious legal proceedings, had consented, *previous* to the capture of Fort William, to retire from the Concern, on the condition of being allowed to retain, (in conformity with the provisions in the Articles of the Company, for retired or disabled Partners) the profit of half a share for seven years, but without any power of interference in their affairs. Disappointed in his negociation with Messrs. Vandersluys and M'Tavish, Lord Selkirk considered it necessary to devise some other expedient to *confirm* the title he had acquired by military seizure, to his plunder at Fort William, and, *with a full knowledge of Mr. Mackenzie's particular situation*, and relying upon the *weakness of his habits*, it was conceived he might be converted into a fit instrument for this purpose.

It is only necessary to refer to Mr. Mackenzie's Deposition before Messrs. Coltman and Fletcher, the Commissioners appointed by the Canadian Government, for a full account of the Conspiracy attempted by Lord Selkirk and his Agents, against the property and persons of the North-West Company, by the practices imposed upon this unfortunate person.—Kept in a constant state of intoxication, under an impression that his life was in danger, and relieved from different states of imprisonment; first, from solitary confinement in a dungeon, *gradually* as he lent himself to the infamous proposals of his *Gaolers*, he was at length reduced to a state of passive imbecility, and in that situation, was made to assist in the designs of Lord Selkirk, as he states in his examination. He was first compelled to copy letters *dictated by Lord Selkirk and his satellites*, to the Partners and Clerks in the Interior, giving them an account of the *total ruin of the Company; that the country was declared in a state of rebellion, and all communication interdicted*, and recommending these Partners *to provide for their separate interests by a submission to Lord Selkirk;* he was then, as acting for the Company, made to convey to his Lordship all the property which had been seized at Fort William. After complying with these terms, he was immediately released; and, as far as he could make atonement for his conduct to his Partners, before he could have any communication with them, he appears to have attempted it, by the Protest* before the Notary and Magistrate, at St. Joseph's, against his own actions, as having been practised upon, in a state of perpetual intoxication and rigorous confinement.

It is essential to refer to the documents which were preserved and delivered by Mr. Mackenzie himself to the Commissioners, to form a just idea of the mean and disgraceful arts that had been practised upon him. By one of those accidents which often lead to the detection of felonious conspiracies, the original drafts of the letters he had written, and of the acts he had signed, were retained by Mr. Mackenzie, or rather allowed to remain in his possession. The greatest part of the papers were not only dictated by Lord Selkirk and his Governor, Mr. Miles Macdonell, but the alterations and additions to the original drafts of the letters which Mr. Mackenzie was compelled to copy, *are all in the hand-writing of these parties.* Copies of these papers, the original of which are retained by the Commissioners, are annexed to the Affidavit of Mr. Mackenzie,* as referred to in it. The different *Deeds* are drawn out with all the legal knowledge which Lord Selkirk possesses, in strict conformity with his proposition in the paper marked F, signed by his Lordship and Mr. Mackenzie, and attested by all his dependants at Fort William.

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* Appendix, No. XXVIII. (L).

It is impossible to refrain from making some comment on this infamous proceeding. The Conspiracy is not only intended to deprive the North-West Company of their property, although it will hardly strengthen Lord Selkirk's original title to it, but the letters, especially that to Cuthbert Grant, the Half-breed, who led the party in the conflict with whom Mr. Semple lost his life, are evidently intended to tamper with evidence on which the lives of the parties accused are dependent. That his Lordship was as much convinced at the date of these letters, as at that of their arrest, not only of their innocence, but of the absolute impossibility of their having been implicated in the crimes of which he has accused them, the parties never doubted; that Mr. Mackenzie is equally innocent, they are well aware; but under all the circumstances of Lord Selkirk's conduct, they cannot but consider the disclosure of this Conspiracy, as an additional proof of his own conviction, that he had not the smallest particle of evidence to justify their arrest, notwithstanding he was in possession, by means which no person will be found to justify, of their most confidential communications and correspondence. Lord Selkirk had evidently but one object in his accusations and arrests—to terrify the North-West Company into a compromise beneficial to his own interests; and if the proposal to Messrs. Vandersluys and M'Tavish, to assign the property, will not quite bear out the inference, that his Lordship was willing to compound a felony for his own pecuniary advantage, there is no want of proof of it, in his conduct towards Mr. Mackenzie, who was unconditionally liberated the moment he had answered the purposes for which he had been confined.

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* Appendix, No. XXVIII.

The persons interested in the Fur Trade in this country, connected with the North-West Company, have thought it necessary to bring these facts before the Public, in answer to the calumnies of Lord Selkirk. They have abstained from strengthening their case by commentary or argument, and leave those who may think the subject sufficiently interesting to read this Pamphlet, to draw the inferences which the facts themselves suggest.

Lord Selkirk has, in his publication, given a tolerably correct account of the Constitution of the North-West Company. From the conquest of Canada to the present time, the same parties, resident in England and Montreal, have invested and risked the capital which has enabled the Traders in the Interior, with success to extend their commerce from the limits of Canada to the Frozen and Pacific Oceans, while their Chartered Rivals, with all the advantages of their exclusive privileges, and easy communication through Hudson's Bay, have been unenterprising and unsuccessful. To those who have examined the principles upon which commercial interests and prosperity depend, this will not occasion surprize. Superiority of management, and of capital which has enabled the Canadians to extend their discoveries, at the same time they maintained their prior establishments: The very Constitution of their Association founded upon a just distribution of profit between those who furnish the capital, and those who conduct its administration in the Trade: these latter, deeply interested in the success of their exertions, always ready to undergo hardships of a kind little known in Europe, and perhaps unequalled in any other part of the world, and which cannot be expected from the servants of a Company, whose salaries are fixed, and who have no other interest in the profit which may result from their own exertions: such are the means by which the Trade of the North-West Company has been rendered profitable to themselves, beneficial to the country, and, at last, an object of envy to the Earl of Selkirk.

Whether this Trade can or cannot be retained to reward the industry of those who have established it, depends upon the promptness of the measures adopted to compel Lord Selkirk to restore his plunder to the lawful owners of the property, and to remove all impediments to the freedom of communication in the Indian Country. The North-West Company are fully satisfied that their claims, and their complaints on the subject of these outrages, have met with every attention from Lord Bathurst, and they feel assured, that until a confirmation of Lord Selkirk's assumed rights, takes place in the Courts of Justice in England, no attempt will be permitted by His Majesty's Government to re-establish this unfortunate Colony. To the parties in England concerned in the Company, the determination of Government in this respect may be of less material consequence, as, if it be thought expedient to sacrifice the Trade for the encouragement of Lord Selkirk's schemes, they can withdraw their capital, and seek reparation for the injustice they have hitherto sustained, by the ordinary course of law, which is open and equal to all classes of their countrymen. To those, however, who have spent the best part of their lives, and many of whom have irretrievably ruined their constitutions, by the extreme exertions necessary in a rigorous climate, in the prosecution of an arduous, and, as they have till now been taught to believe, useful and respectable undertaking, the case is widely different; and to them, any decision which will leave Lord Selkirk in temporary possession of his spoliation, or in the exercise of his assumed authority, will be fatal. One season's interruption in the communication must ruin their trade; and, unfit for any other occupation, and too old in many instances to change their habits, or to apply the talents or means they possess to other objects, they will find themselves at a late period of their lives, deprived of possibly the only resource on which they can depend for their present existence or future support. These persons are mostly the sons of Highland Gentlemen, Clergymen, and Farmers, who left their own country at an early age, to embark in an undertaking, which, even from its difficulties and adventures, held out an inducement to the enterprising spirit which distinguishes their country. After spending many years in the various gradations through which it is necessary to pass to obtain an interest in the Concern, and a prospect of reward and remuneration for their toils and labour, they find themselves at last sacrificed to the restless and rapacious projects of a person whose fortune and influence, instead of being applied to the benefit and advantage of his country in his proper sphere, have been wasted and misapplied in undertakings ruinous to himself, destructive to others, and disgraceful to his character and station.

It is possible, that in some of the letters written by persons dependant on the North-West Company, the Noble Lord will find expressions hostile to his interests, and by garbling these documents, may present accusations to His Majesty's Government, which may, *prima facie*, carry with them some semblance of probability; and it is not denied, that violences have been committed on both sides, which are extremely to be regretted: but the North-West Company challenge the most minute investigation into their conduct, with only such allowance as may fairly be made in that of their servants, who have, on some occasions, against their express orders, retaliated for injuries they had previously sustained. They have always represented the impossibility, in such a country, and at such a remote distance from legal restraint, of repressing the acts of lawless individuals, who may falsely represent themselves to be sanctioned by authority. As stated in the representations made to Government on the subject, before Lord Selkirk's interference in the Trade, the Canadians had sometimes, and especially in the contests of rival Traders, complaints to make on this subject, which gave rise to the Act of the 43rd of the King; and if that authority had not been disputed, and attempts had not been made to substitute in its place a jurisdiction, which it was openly avowed would not be acknowledged by one of the parties, the difficulties which have arisen, might have been avoided.

The North-West Company have been at all times ready and anxious to meet questions of right in the Courts of this country, and would gladly have instituted proceedings to ascertain them, if they could have removed the legal impediments in their way. They have directly offered to Government to proceed at their own expence to try by *scire facias*, or *quo warranto*, the rights of the Hudson's Bay Company; but this it has been deemed inexpedient to comply with, or to submit the prerogative of the Crown in the case, to discussion in the Courts of Common Law. How it will be otherways possible ultimately to decide upon these claims, for a decision cannot be long postponed, they are not aware, unless by some proceeding in Parliament, either to confirm the Grant without examination, or to provide for its limitation. If the question in this way assumes the shape of expediency and justice, instead of law, the North-West Company have some claims on the consideration of their country, in opposition to those of the Hudson's Bay Company and their Grantee, which even their enemies cannot deny them.

They have, with a spirit of liberality and expence, in many instances unrequited by the result of their undertakings, explored the whole Continent of North America, and ascertained the geographical situation of almost every river and district of those immense regions. They have recently established a considerable and thriving Colony on the Banks of the Columbia River, on the Pacific Ocean, in direct communication with their Settlements in Canada, and are now extending their inland Trade southward to the Spanish Settlements of California, and northward to those of the Russians at New Archangel. They have at this time upwards of 300 Canadians employed in this Trade, between the Rocky Mountains and the sea; and they have dispatched three ships round Cape Horn, with supplies, all of which have taken cargoes of Furs from Columbia, for sale to the Canton market in China.

They refer, without fear of disappointment, to the various Governors, who have been appointed since the conquest of Canada, to that Province, for an account of their conduct as loyal and useful members of its community. In the late war, they may at least say their exertions were useful in its defence: they raised a corps of Voyageurs, of which they served as officers, without pay, and without emolument; and their stores, vessels, and provisions, were always ready at the call of the military or naval commanders, for the public service. The influence of the Fur Traders with the Indians was then duly appreciated, and they had the satisfaction of finding, that when under their controul, there was neither danger of cruelty or excess in the employment of these auxiliaries, in *the defence of the country*. During the war, while the property of private individuals was respected by the enemy, that of the North-West Company enjoyed the honourable, although to them unfortunate, distinction of confiscation as national property; and they were on all occasions considered by the American Government as identified with that of Canada.

The attempt at colonization made in the Red River, was, in its origin, objectionable in every respect to the Fur Traders, and they do not deny, that (except in the protection and assistance they considered it their duty to afford to their suffering countrymen), after having ascertained the real object which the plans of Lord Selkirk were intended to cover, they have done all in their power to render these schemes abortive; nor have they scrupled to represent to the Colonists the hazard to which they subjected themselves. Their conduct in this respect they have no hesitation in acknowledging; they had none in informing Lord Selkirk, at the time his speculation was projected, of their views with respect to it; and they will only be convinced that their conduct has been unjustifiable, when he shall establish his right to eject them from their possessions and trade, by the Grant made to him; and when he shall show by what authority he was entitled to form and establish such a Colony, in defiance of the King's Proclamation of the 7th October, 1763.

The Directors of the Hudson's Bay Company not only disavow all connection with Lord Selkirk, but even a knowledge of his more recent and violent proceedings. They say that he has acted on his own responsibility, and that they are not concerned in the transactions which have taken place out of their territories. This may be true, but these Gentlemen certainly sent out Agents to engage men, and equip expeditions from Canada the preceding year, and it is understood that a large proportion of the canoe-men who accompanied Lord Selkirk, were their servants. There may have been much rivalship in the Trade of the Interior, but the Canadians no more expected that this Company, whose Charter was granted for a direct Trade to Hudson's Bay, would attempt to carry it on from Montreal, than they could expect that the East India Company should send parties from Canton to rival their establishments on the Columbia. The whole proceeding, however, there can be little doubt, had but one object—to drive the North-West Company from the Trade, and obtain the monopoly of it; and, however sincere Lord Selkirk may originally have been in his plans of colonization, the Colony was subsequently converted into an engine to effect this object, and to expel every Canadian from the Indian Country.

It appears further necessary on the part of the North-West Company, and especially of those who represent their interests in England, that they should acquit themselves of any inattention to those interests, in not having laid before His Majesty's Government every information in their power, and their just claims for the protection of their persons and property, by the due execution of the laws of their country, as far as this might have been practicable under all the circumstances of the case. The following statement will show they were not supine in this respect.

In February 1814, a Memorial was presented to the Secretary of State for the Colonies, stating the difficulties which the American War had occasioned to the North-West Trade, and that the only manner in which it could be preserved, would be by opening a direct communication with their Posts through Hudson's Bay; and in this Memorial, the decision of His Majesty's Government with respect to the rights of the Hudson's Bay Company, and a definition of the boundaries within which these rights were limited, was earnestly prayed for*. Early in 1815, a Letter was received by the North-West Company from the Under Secretary for the Colonies, inclosing another from the Earl of Selkirk, in which he required the protection of Government for his Colony, against the dangers with which it was threatened by the Indians, *at the instigation of the North-West Company:* to this the reply, dated the 18th March, 1815, was sent, and a copy of this, as well as some other subsequent applications from the representatives of the North-West Company to Government, will be found in the Appendix†. The verbal answers they received to these communications were, that Government would attend to the subject, *which was one of great difficulty;* and the North-West Company can only add to this Statement, their sincere regret, that the evils foretold in all their communications, have so soon followed them.

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* See Appendix, No. XXIII.

† See Appendix, Nos. XXIV. XXV. XXVI. and XXVII.

POSTSCRIPT.

After the preceding Narrative had been sent to the Press, a Pamphlet made its appearance in the circle of Lord Selkirk's friends, entitled, "Statement respecting Lord Selkirk's Settlement "at Kildonan; its Destruction, in the years 1815 "and 1816; and the Massacre of Governor Semple and his Party."—A little explanation is only requisite, to convert this *candid* Statement into strong corroborative proof of the general correctness of the details contained in the Narrative, so far as the Author of the Pamphlet has been pleased to continue his account of these transactions.

The publication commences by deploring, that "the plans of colonization prosecuted by his "Lordship, have given rise to much and gross "misrepresentation;" which no person, after perusing the following remarks on the statements contained in it, will be inclined to doubt.

The first observation which it is necessary to notice, is that made on the Protest entered by several Proprietors of Hudson's Bay Company's Stock, against the Grant to Lord Selkirk. There is no difficulty in at once admitting, as far as the admission can be serviceable to his Lordship's case, that the persons connected with the North-West Company, whose names are affixed to the

Protest, became Proprietors of Stock to defeat the designs they were aware, from Sir Alexander Mackenzie's information, were then meditating against their Trade. The Protest, however, as a Protest of Hudson's Bay Proprietors, must stand on its own merits, and it must always be remembered, that it was signed by every person present at the Meeting, except *Lord Selkirk and the Members of the Direction*, and that *the first signatures*, are those of the *two largest holders*, (Lord Selkirk always excepted), *of the Company's Stock*, and who were perfectly unconnected with, and uninfluenced by the wishes or interest of the North-West Company.

To proceed to the more material parts of this "*Statement*," and taking them in order, we find an account of the "plans adopted for the destruction of his Lordship's Colony, at the annual meeting of the North-West Company's Partners at Fort William, in the summer of 1814." The only difference between this account and that of the North-West Company, is, that these plans were adopted by the latter in self-defence; and the *candid* and entire omission of the preceding conduct of his Lordship and his Agents, which rendered such measures expedient, is fortunately supplied in the Narrative, for the information of the public*. It is only necessary to refer to his Lordship's Letter, "*in safe custody*," of the 18th of June, 1812, the Proclamation of his Governor, of the 8th January, 1814, and the outrages and robberies openly committed by him during the winter, against the persons and the property of the North-West Company, attested by the evidence of Settlers and Servants who were engaged in these affairs, and which appear in the Correspondence between Lord Selkirk and Sir Gordon Drummond, to have been proved to His Excellency's satisfaction. P. 32, Narrative. P. 25, Narrative.

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* The North-West Company are little solicitous by what *name* these plans are called, whether for resistance *to the assumed authority and territorial rights of Lord Selkirk, or the Hudson's Bay Company*, or for

If these outrages will not justify the violent language ascribed to Mr. Alexander Macdonell in his Letter, and in his determination to defend what Mr. Cameron and he, *considered* the *rights* of the Canadians in the Interior, they will at least account for it: and in all the subsequent transactions, it will be invariably found, that every violence which it is alledged has been committed by the Canadians, has been occasioned by some previous outrage on the part of Lord Selkirk's followers. P. 12, *Statement.*

The account which follows, from page 13 to 32, of Mr. Macdonell and Mr. Cameron's conduct in the Interior, in prosecution of the "plans adopted "for the destruction of the Colony," bears to some extent the appearance of probability; and it is not impossible, both these Gentlemen had used their influence with the Settlers, to desert a Colony established without Legal Authority, and which was

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the destruction of *his Lordship's Colony;* they only protest against the word *Colony*, including the lives and properties of the poor and inoffensive persons engaged in it, whom it has constantly been their earnest desire to aid and protect.

evidently intended to ruin their interests and trade. Did the Noble Lord really suppose that these persons would quietly submit to his notice as *Landlord**, to quit the posts they occupied; or, that they should not provide against the *physical means* which were accumulating to enforce that notice, and which they had his own assurance, would be so applied, wherever they were sufficient for the purpose? The case made out by his Lordship against Mr. Cameron†, relieves, to a certain degree, the unfavourable impression of his conduct which existed even on the minds of his connexions, in consequence of reports spread by the Agents of Lord Selkirk and the Hudson's Bay Company. It has before been asserted in the Narrative, that the cannon were *brought* to the Colony by the Settlers, and it now appears that they were so brought in consequence of *orders issued by Mr. Cameron.* This Gentleman is unfortunately unable to answer the charges of his accusers, from their having *illegally* confined and sent him to Hudson's Bay; and these charges are principally grounded on report; but if he is able to give *as satisfactory reasons* for the rest of his conduct, as he assigns in his Letter of the 3d April to Mr. Archibald Macdonald, for having

P. 21, *Statement.*

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* See Narrative, p. 34.

† Mr. Cameron was appointed, by a Commission from Sir Geo. Prevost, to the rank of Captain *in the Indian and Conquered Countries, during the war;* but he certainly had no greater right to assume that rank in the Red River, than the Officers of Governor Macdonell's appointment.

authorized the Settlers to take possession of the guns, it will not require much additional justification. These reasons are not mere allegations; *there are sufficient proofs* of the uses to which the artillery had been previously applied.

The arrest of Miles Macdonell and Mr. Spencer, and the hardship of these worthy Gentlemen having been taken 2500 miles to Montreal, where they were not ultimately brought to trial, are circumstances before accounted for: Lord Selkirk, in what he terms an " explanation of the former's conduct," does not deny the truth of the charges brought against them.

His Lordship goes on to give an account of his proceedings in Canada, after his arrival in that Colony. His correspondence with Sir Gordon Drummond will explain itself, and only tends to show, that the *misrepresentations under which he had prevailed upon Government at home to aid and assist his schemes*, could have no influence where proof was at hand to correct these misrepresentations, and to explain the purposes for which he required a military force, asked *ostensibly for the defence of his Colony.* Without intending the least reflection upon any Officers, *whom his Lordship* wished to *select* for such a service, it is not unjust to suppose, that a man of military habits and unsuspecting disposition, might readily have been converted, by the *very opposite* and designing character of his Lordship, aided by the plausible authority of high legal opinions upon a case *unfairly stated,* into an engine for the prosecution of his schemes against *his rivals in trade.* His ready application of his own military force in aid of his magisterial mandates, at least justifies this inference; and it is justly remarked by Sir Gordon Drummond, "that if the lives or property of "Lord Selkirk's Settlers are, or may hereafter be "endangered, that danger will arise principally "from the conduct of Mr. Miles Macdonell towards "the North-West Company." A change of conduct in his Lordship's Agents, would certainly have been a better defence, than any military force, for his Colony; and a blind and infatuated determination to persist in those measures which occasioned its first dispersion, it is evident, solely produced its final destruction in 1816.

P. 65, *Statement.*

Until the present publication, the North-West Company had no knowledge of the Correspondence between Lord Selkirk and Sir Gordon Drummond, nor are they aware of the motives which induced His Excellency to refuse his Lordship's request, beyond *the apparent one* they have suggested. It appears, however, an application made for a guard to protect his person, was readily granted; and the frank and liberal conduct of the gallant Officer, should at all events have protected him from the sneer cast upon what Lord Selkirk terms his "legal opinion" of the powers and authority assumed by Mr. Miles Macdonell.

Note, p. 65, *Statement.*

Does Lord Selkirk really suppose, upon a *fair statement of the case*, that the eminent persons he refers to, would sanction the claims of power set up by this person, or justify his exercise, and *consequent* abuse of it?

The apology offered for the engagement of the mercenary force who attended his Lordship on his expedition to the Interior, is worthy attention. These were intended (*fit subjects!*), as Farmers and Settlers; and to conceal the fact of their having been supplied with new uniforms, it is stated, that, " as usual on their discharge, they retained their " clothing."

We proceed next to his Lordship's expedition; his account of the unfortunate conflict on the Red River; and his subsequent proceedings at Fort William.

With respect, first, to the melancholy transactions on the Red River; *in the candour which pervades this publication*, as in the account of the transactions of the former year, all mention of *preceding circumstances* is totally omitted; an omission without which his Lordship could not expect his partial and interested representation would succeed, with even the most ignorant or prejudiced reader.

All mention of the plans laid, *not now for the destruction of the Colony*, but for the destruction of the North-West Company's Trade, is studiously avoided: still the intended blockade of the navigation was prepared: Fort Gibraltar was taken and destroyed, Mr. Cameron made prisoner, and all the property, books, papers, &c. of the North-West Company seized and confiscated on the 17th of March: the Fort on the Pembina River, with all the property, was taken on the 20th March, and Alexander Macdonell's post at *Qu'Appêle*, summoned immediately afterwards. Was it wonderful, that after all these outrages, the latter person should assemble such force as he was able, in *his own defence*, and to preserve and protect the whole returns of the North-West Company from the remote stations, from being taken and confiscated, in the same manner as those at the two Provision Posts? And will any person doubt, from the preceding occurrences, and the subsequent conduct of Lord Selkirk at Fort William, that *precautions were expedient* to prevent his getting possession *of a large stake*, to hold, even on the most favourable interpretation of his conduct, till his claims were decided? That it was necessary to employ the Half-Breeds and Indians in defence of their property, the North-West Company must lament; and they must long feel the consequences of having been obliged to resort to their assistance; but it is *positively denied*, that there was the most remote intention on the part of Alexander Macdonell, or any Partner of the North-West Company, to place the lives or property of the Colonists at risk, in any attack or retaliation on the Settlement. The account given by Mr. Pritchard, of

P. 49, Narrative; and Appendix.

the conflict which ensued, is exactly in unison with that in the Narrative; and there are no differences to reconcile in the different statements, which in the least authorize the appellation of *murderers*—given to the parties *actually* engaged in the affray. Mr. Pritchard*, who certainly cannot be accused of any good will towards the North-West Company (as well as all the other witnesses), admits the facts of Mr. Semple having marched out and pursued the Indians; of words having passed with Bouché, in consequence of which Mr. Semple attempted to seize him; and although he does not admit the first firing to have taken place from Semple's party, he will not go the length of the other two witnesses, Bourke and Heden, in positively affirming the contrary. The latter witness is an ignorant person, whose memory seems to have been refreshed by those who had a case to make out from it, and does not seem much relied upon, even by the Author of the Pamphlet, who says, with respect to this person, "that in the "confusion of such a business, one might be dis-"posed to doubt in some degree the minute accu-"racy of the Deponent's information." Lord Selkirk has somewhere said of the testimony of the Colonists, "seduced to the commission of crime "by Cameron," that it should be received with great suspicion; and this caution is particularly requisite in the Affidavit of Bourke, who was at the time under an accusation of felony, and who, next to Colin Robertson, acted the principal part in the attack and robbery of Fort Gibraltar, and the Post on the Pembina River. What has become of the *Deposition* of *Nolin, mentioned in Mr. Vandersluys' Journal,* on this subject, and why has it been *suppressed?* and the present one substituted in its place?

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* This person had left their service to enter that of Lord Selkirk's: he had charge of the North-West Company's post at Riviere La Sourie, which was plundered by Spencer and Macdonell, as detailed in Nos. VIII. IX. and X. of the Appendix to the Narrative.

It is unfortunate for Lord Selkirk's assertion, that the Indians and Half-Breeds were collected *for an attack on the Colony,* that some of the evidence he produces directly contradicts it. The testimony of Blondeau is distinct, that it was only proposed to bring down the Half-Breeds *for the defence of the North-West Interests and Property.* It is strange, also, if the Colony was in so much danger early in the year, that the danger should have been wilfully increased by the attacks of Robertson and his party on the two Posts: nor does there appear to have been any attempt made by Mr. Semple or Robertson, to come to an amicable understanding with the North-West Partners, which circumstance is inexplicable, if they feared so much danger to the lives of the Colonists.

The conduct of the Half-Breeds and Indians, after the conflict with the Colonists, may be correctly stated, with some little allowance for the colouring given to it in Mr. Pritchard's statement; and there is no doubt of the plunder of the property and destruction of the buildings; but it is denied that Grant was authorized to act generally for the North-West Company; and it is perfectly impossible to believe the wild and vague, although horrid, statements, of Mr. Macdonell and his companions having expressed joy on being informed of Mr. Semple's fate. These assertions invalidate the testimony of the witnesses in other particulars.—That after the open war which had been declared against them by Lord Selkirk's dependants, and the hostilities which had been committed, the dispersion of the Colony was a matter of regret, cannot be supposed: its very existence, and the exercise of the powers claimed by the Governor, of seizing persons and confiscating property under the Charter, must have caused the ruin of their concerns.

The former account of the seizure of the Hudson's Bay Company's Furs, and of their being separately packed and marked when they were sent down to Fort William, is fully corroborated by the additional evidence given in the Appendix.

It is here necessary to refute the unfounded and malicious statement, that Mr. M'Leod, and the Partners with him, "were proceeding with "the body of Indians and Canadians under their "orders, in pursuance of a plan concerted with "Alexander Macdonell, that they should attack the Settlement from below, while he "brought down the Half-Breeds and Indians "for the same purpose from Qu'Appêle." It has been before stated in the Narrative, that the first accounts which were received at Fort William from the Interior, only brought intelligence of the capture and destruction of the Provision Posts, and of the probability of an attempt being made to intercept the returns. The Agents had then no communication with Macdonell, the safety of whose Post they also feared; and Mr. M'Leod was dispatched with all the force which could be mustered, and with directions, if necessary, to resort to the additional assistance of the Indians for the defence and security of the property of the Company. He took with him Lieutenants Brumby and Misani, who witnessed his proceedings, and met the Colonists, as mentioned in the Pamphlet. *It appears by that account,* that in his determination to arrest and bring to justice the offenders who aided in the attack and destruction of the Forts, Mr. M'Leod may have, in *distant* imitation of his Noble Rival, somewhat exceeded his authority as a Magistrate.—If his exclamations against Mr. Robertson were incautious and violent, they were at least natural, after the atrocious acts committed by that person.

Mr. M'Leod's Letter is dated on the 3d of June, long previous to the conflict with Semple, which proves the absurdity of the accusations against the parties arrested, of being implicated in that event; and if the measures which it was indispensible to have recourse to, on the principle of self-defence, are objectionable, they must recoil on the authors and abettors of the outrages which occasioned them.—The same charge is made against Mr. M'Leod as against Mr. Macdonell, of having received with high gratification the account of Mr. Semple's death, and with the same semblance of probability.—This Gentleman is also accused, and possibly justly, from the expressions in his Letter, of having given orders to intercept a Courier sent by Lord Selkirk by the route of *Fond du Lac* to the Red River; but no mention is made of the *previous seizure of the Winter Express of the North-West Company,* after the destruction of the Posts.—That Presents may have been made to the Indians and Half-Breeds sent from *Fort des Prairies* to the assistance of Mr. Macdonell, after the destruction of the lower posts, is very natural, even although they may have been engaged in the conflict with Mr. Semple. Whatever may be Lord Selkirk's, or the North-West Company's opinion of the conduct of these people in that affair, his Lordship will probably be aware, that it would be rather dangerous to attempt setting up these opinions in payment of the services which were required of them; another danger, in the employment of such auxiliaries, and another condemnation of the conduct of those, who, by their attack upon the property and persons of the North-West Company, rendered an appeal to their assistance necessary.

The early account of these transactions transmitted by the North-West Company to their friends in England, is brought forward *among the proofs* of their being the aggressors in them, because, forsooth, these accounts manifest "*a restless anxiety*" to prove their innocence, before there was any accusation of guilt. The Letter quoted, was written by Mr. Richardson, which is a sufficient assurance to any person who has heard of his name and character, that the information which it conveyed was that which he conscientiously believed, and, as far as he had the power of ascertaining, correct and impartial. In the vague stories which first reached Montreal, of the conflict on the Red River, it was said no person connected with the North-West Company was within 100 miles of the spot; and because this report was repeated in England *before authentic information could be procured*, it is adduced as proof of studied and wilful misrepresentation. The channel through which these Letters came to the knowledge of the Author or Authors of the Pamphlet, should also be attended to: they were sent by the Gentleman to whom they were addressed, *as he received them*, to the Deputy-Governor of the Hudson's Bay Company, with strong expressions of regret as to the melancholy information they contained, and in common courtesy to communicate it to him.

But little detail of the Noble Lord's expedition, and proceedings at Fort William, is given in the Pamphlet; still, there are some material admissions of the motives which induced his Lordship to proceed thither; and although, as matter of curiosity, *his own account* of his subsequent conduct must be interesting, correct information is not wanting on the subject.

To make use of a term applied to Mr. Richardson's expression of feeling, in his account of the occurrences at the Red River, we have the "*canting*" Letter of his Lordship to Sir John Sherbrooke. With no other occasion to go near Fort William, it was still necessary he should proceed there,—an interested party, as a Magistrate, to endeavour to bring offenders to justice, or "to *allow an* "*audacious crime to pass unpunished.*" Was the seat of Government in Upper Canada so far distant from St. Mary's, that no express could be sent to Governor Gore, with information that persons *suspected of murder*, were assembled at a place within his jurisdiction; with a request that an immediate investigation should take place, and that the parties against whom any sufficient suspicion of crime existed, should be apprehended? Or could there be a doubt that Governor Gore would take instant cognizance of the matter, and if he considered such additional precaution necessary, aid the civil force, by the military *in His Majesty's service*, stationed at St. Joseph's?

But his Lordship rightly concluded, he was the most *competent authority* to promote his own views and purposes, which were so inconsistent not only with all principle of justice, but with every principle of common honesty or morality.—The employment of *his* military force is the next circumstance to be accounted for, which it is acknowledged, was not accidentally at Fort William, but taken there with concerted and premeditated design:—What law does his Lordship find to justify such a proceeding, entirely divested even of the excuse, if that could be an excuse, of his having hastily resorted to such assistance from feelings of the moment?—He stands convicted, on his own admission, of having deliberately employed, in *a treasonable manner*, against the lives and properties of his fellow subjects, a band of foreign mercenaries, paid, armed, and equipped by himself, in defiance of all law, and in contempt of all acknowledged authority.

After his determination to employ such force—look at the application of it—He issues Warrants *as a Magistrate* (was he so authorized in Upper Canada?) to apprehend certain respectable individuals on the heavy *charges of treason, conspiracy, and murder,* grounded solely on *an inference,* that because these persons had authorized, in 1814, measures of resistance to outrages committed against them by Lord Selkirk and his

Agents, they must be implicated in the affair in which Mr. Semple lost his life, *two years afterwards.*

Although there was not *an appearance* of justice in this proceeding, it was quietly submitted to, and a barefaced story, bearing with it its own refutation, of an attempt at resistance, is invented, to justify the assault and capture of Fort William, as recorded in Mr. Vandersluys' Journal, and the other evidence in the Narrative.--Were not all the preparations also made for a storm, the cannon pointed against the Fort, &c. before even the Warrants were issued? That resistance was not made, is to be ascribed to the "*canting*" feelings of the Partners of the North-West Company: it was not for want of means, nor of a just cause to warrant their being made use of, in resisting the infamous attack upon their property.—The Pamphlet states, and states truly, there were, besides 300 Canadians, 70 Iroquois Indians in the Encampment: if a gun had been fired, or the least encouragement given to these people to attack Lord Selkirk's mercenaries, and a single Indian had fallen in the conflict, it is but too probable, that *not one of the opposite party would have outlived it, to record the fate of his companions.*—This would have certainly added to the list of *victims* to Lord Selkirk's projects, and possibly to the accusations against the North-West Company for another *massacre* of his Dependants.

His Agents who had been guilty of the former atrocities, were provided with some defence, such as it was, for their conduct, which their Master could not plead in the present case.—When Mr. Miles Macdonell, in 1813 and 1814, openly and publicly seized the persons and property of the North-West Company, which led to the resistance made by Mr. Cameron and Mr. Macdonell; and when Mr. Semple and Mr. Robertson captured and destroyed the Provision Posts in 1816, which occasioned the assembling of the Half-Breeds and Indians for the protection of the remaining property of the North-West Company on the Red River, they were only enforcing the powers of *seizure and confiscation granted by Charter to the Hudson's Bay Company,* and which Lord Selkirk's Agents are instructed, as appears by his own letters, to consider legal, and expedient, wherever *their physical means* are adequate to the object.

Fort William is situated within the acknowledged jurisdiction of Upper Canada, and Lord Selkirk therefore cannot even avail himself of the poor defence urged by his satellites for their conduct.

It is not necessary to add to these already protracted remarks, any further observations upon the subsequent conduct of Lord Selkirk. The Author of the preceding Narrative, who had some fears that extreme violences might have been committed by the Partners of the North-West Company in the Interior, from the exaggerated reports which had been spread on the subject, finds himself considerably relieved by the case brought against them in the Pamphlet, even without hearing their own defence of their conduct. From the *testimony* produced generally in the Appendix, it is evident the country has continued in a state of more or less party hostility, since the authority assumed by Mr. Miles Macdonell, and his outrageous proceedings in 1813: of course, every quarrel and affray between the Settlers and the Freemen, the Half-Breeds or the Indians, is ascribed to the North-West Company; and in the numerous Affidavits of the parties who are concerned in them, it is invariably said, the North-West Company's people commenced a fire, or returned one, as if these conflicts actually took place in consequence of their orders.—Even the examination of the Indian at St. Joseph's, published by Lord Selkirk, proves that the Natives were originally jealous of the Red River Colony; and it will not be denied, that the Half-Breeds had invariably expressed their hostility to it *.

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* An impression is attempted to be made, that these latter people are a race only known since the establishment of the North-West Company; but the fact is, that when the Traders first penetrated into that Country, after the Conquest of Canada, they found it overrun by

Of all the proceedings which have given rise to these publications on both sides, the most painful reflection which occurs, is on the manner in which it has been attempted to justify unlawful acts, by the forms of law and authority.—It may be fairly doubted, whether any of the numerous persons in the Interior, whose conduct is implicated in these transactions, was, in respect of information or acquirement, fit to be entrusted with the powers of the Magistrate, and still less at a time, when all parties must have been more or less biassed by a spirit of party and animosity.—That the same feelings have had some effect on the testimony produced, is quite evident. The witness Nolin is made, by the two accounts, to swear opposite stories; and, in the deposition *now brought forward,* he says, a consultation was held between Cameron and his people, to find means of driving

persons of this description, some of whom were then the chief Leaders of the different Tribes of Indians in the Plains, and inherited the names of their Fathers, who had been the principal French Commandants, and Traders of the District.

A Gentleman who was formerly engaged in the Indian Trade, and who was lately in London, informed the Author, that when he first visited the Red River in the year 1784, he was stopped near the Forks by some of these Half-Breed, or *Brulés* Chiefs, who told him that he could only trade in that Country by their permission; and as the price of such permission, they exacted from him Goods to the value of above 400*l.* This Gentleman found at the Upper Red River, Mr. Grant, the father of the Half-Breed Grant mentioned in the Narrative, who had paid a similar tribute for permission to trade; so that it appears the right now claimed by the Half-Breeds, to the possession of the Country, is at least *no novelty.*

away the Settlers at one blow; *that he was not present,* but that he had heard something about it from Bosthonois, *a half-breed Indian, some months afterwards.*

In these, as well as in his general observations on Lord Selkirk's conduct, the Author is sensible he has some apology to make to the Public, for the strong expressions he has sometimes made use of; and he trusts that apology will be found in the feelings which have naturally been excited, by the *false* and *slanderous* accusations against his near relations and friends, and the base and malignant treatment they have experienced from the Noble Lord.—He joins sincerely in the hope with which the Pamphlet concludes, that every measure which the Law can sanction, *or the Executive Power can enforce,* should be strenuously adopted, to bring offenders to justice, and to re-establish public peace; and he has no fear that any influence which the Noble Lord's station or rank might otherwise have given him in the discussions which must ensue, will *now* have weight with those, who may have hitherto entertained favourable impressions of his conduct and character. Until these recent events, the North-West Company had also a very different opinion of the general character and habits of Lord Selkirk: it is true, they always considered his schemes as dictated by a wild and frantic spirit of projection, and dreaded their results, as directly affecting themselves, but even in their application to Lord Bathurst, of the 15th March, 1815, they say, "We "beg to be understood as imputing no improper "motives, in all we have stated, to Lord Selkirk. "Our conviction is, that his Lordship as sin- "cerely, as singularly, believes in the probability "of ultimate success; and all we can expect "from His Majesty's Government is, that if "they should see it fit to sanction and encourage "his Lordship's undertaking, they will take "adequate measures to protect the Trade of His "Majesty's Subjects against the consequences "apprehended from it."—The North-West Company have since, however, discovered much method in his Lordship's conduct, and find they have not only to guard against the paroxysms of his *colonizing disorder,* but also against the studied artifice and design which mark the conspiracies of his more lucid moments.

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APPENDIX.

No. I.

Protest of Proprietors of the Hudson's Bay Company, against the Grant to Lord Selkirk.

To the Honorable the Governor and Company of Adventurers of England, trading in Hudson's Bay.

The Memorial of the undernamed Stockholders and Proprietors in the said Company;

SHEWETH,

THAT whereas it appears from the Record of the Proceedings of the said Company at their last Meeting, that it is in contemplation to grant to the Right Hon. the Earl of Selkirk, a certain part of the Territory of the said Company, to him and his heirs for ever in fee simple: Your Memorialists have taken the same into their most serious consideration, and availing themselves of the limited period allowed by the adjournment of the said Meeting, submit to your Honorable Body, the grounds and reasons upon which they dissent to any such Grant or alienation of the Company's property.

1st, Because, waiving all the arguments which occur to them, proving the impolicy of the said Grant, there does not appear to be any adequate consideration stipulated for, between the said Company and the said Earl. The land proposed to be granted, comprehends a territory of about seventy thousand superficial miles, containing about forty-five millions of acres, of that part of the territory which is most valuable, fit for cultivation, and constitutes no inconsiderable portion of the Company's Capital Stock.

2dly, Because, if it be for the benefit of the said Company, (and there is no evidence of sufficient weight to make it clear to the understandings of your Memorialists), to sell so large and valuable a portion of their Territory, the proper mode of doing so for the interest of the Stockholders, is obviously, that which is usually adopted in the faithful execution of all trusts of a similar nature, namely, to expose it to Public Sale, or at least give such notoriety to the transaction, as to admit of competition between individuals who may be inclined to purchase. The necessity of such a mode in the present case, is placed beyond all dispute by the fact, that a more valuable consideration than that proposed by the said Earl, may now be obtained for the property in question.

3dly, Because it does not appear that the said Earl is bound by the condition of the Grant, in a sufficient penalty, to establish such a Settlement as will produce to the Company any substantial benefits, or to exercise such acts of ownership as may be necessary to the ostensible objects of the Company in making the Grant. In all Grants recently made, of lands by the Crown in British America, provision is made for *bona fide* Settlements, not a mere nominal provision to give a colourable pretext for the alienation of public property, but such as to secure the actual residence of one person in proportion to twelve hundred acres. And it has been proved by experience, and is clear to the understanding of your Memorialists, that the foregoing regulation adopted by His Majesty's Government, is highly expedient and wise, and was suggested by the evils which had formerly arisen from the possession of a tract of land by one person, who could seldom, even in the vicinity of a populous country, procure a sufficient number of Settlers to satisfy the creditors of the original Grant. If, with all the facilities afforded by a regular and extensive intercourse with Great Britain, it was found impracticable to induce a very considerable number of persons to migrate, how much more insurmountable must be the difficulty of peopling a region two thousand miles from any sea-port, and out of the reach of all those aids and comforts which are derived from Civil Society.

4thly, Because, upon a fair and impartial estimation of the future value and importance of the lands proposed to be granted, and the limited and unproductive consideration to be given by the said Earl, your Memorialists cannot perceive for the said Grant, any other motive than to secure to the posterity of the said Earl, at the expence of the Stockholders of the said Company, an immensely valuable landed estate.

5thly, Because, in the event of a settlement of the said Territory, under the controul of any other power than that of the Company, private traffic would be carried on between the Settlers and the Indians, and clandestinely with Traders from the United States and the Canadas, which no ordinance of the Company would prevent. Besides, it has been found that colonization is at all times unfavourable to the Fur Trade; and it is not very apparent to your Memorialists, that the said Company has full power to exercise a final jurisdiction, since various Acts have been passed in contravention of the powers perhaps intended to be imparted in the Charter, more especially the Act of the 43d of George III. which gives the entire jurisdiction in criminal cases throughout the whole Indian Territory, to His Majesty's Courts of King's Bench, in Upper and Lower Canada.

6thly, Because, under the foregoing circumstances, such a Settlement as that proposed, would, in process of time, erect itself into a distinct interest, adverse to that of the Company, become an asylum for deserters from their service, and eventually render their authority in practice, a mere utility.

7thly, Because, from the situation of the lands proposed to be granted, and their contiguity to the United States, the intercourse will be greater, and the communication more easy between the Frontier Ports of the United States and the Settlement contemplated, than between the said Settlement and Fort Nelson; hence the laws and regulations of the Company will be evaded, and every expectation of revenue defeated it its very principle.

8thly, Because your Memorialists do not perceive, that in making such a Grant according to the terms expressed in the agreement to be entered into, sufficient regard is had to the difficulties in the way of carrying it into effect, or the sacrifices which the Company may be called upon to make. These reasons, and many others, which require more full illustration than the shortness of time between the last and present Meeting would permit, appear to your Memorialists sufficiently cogent to prevent the

Company from making the Grant under consideration, upon such terms as are proposed by the Earl of Selkirk.

London, 30th May, 1811.

(Signed)

William Thwaits.
Robert Whitehead.
John Inglis.
John Fish*.
Edward Ellice.
Alex. M'Kenzie.

No. II.

Lord Selkirk's Advertisement and Prospectus of the New Colony.

A Tract of land, consisting of some millions of acres, and in point of soil and climate, inferior to none of equal extent in British America, is now to be disposed of, and will be sold extremely cheap, on account of its situation, which is remote from the present Establishments. If a tract of the same extent and fertility were offered for sale in Lower Canada or Nova Scotia, purchasers would be eager to obtain it at one hundred, or perhaps two hundred thousand guineas, and at that price would make an ample fortune in the course of some years, by retailing it in small lots at an advanced price to actual Settlers. The land in question, no ways different in advantages, may be purchased for about 10,000*l.* sterling. The title has been submitted to Lawyers of the first eminence in London, and is declared to be unexceptionable; but the situation is such, that the population of the older Settlements cannot be expected, in the natural course of things, to be spread into it for a long period of time; and till that takes place, the disadvantage of its remote situation must be an insuperable objection in the eyes of any unconnected individual who is looking out for lands to establish his family. Hence, the prospect of finding Settlers to purchase the land in small lots is remote, and on this account the Proprietors are willing to part with it for so inconsiderable a price. But the obstacles which, to an unconnected adventurer, may be justly deemed insurmountable, may be overcome with ease by the combined efforts of many; and an adequate sum of money judiciously expended in removing the first difficulties of an infant settlement, may place this tract of land in circumstances as advantageous to the Proprietors as if it were in the immediate vicinity of populous colonies. The expences, however, would be too great for an individual: it is therefore proposed to form a Joint Stock Company, in 200 shares of 100*l.* each, so as to raise a sum of 20,000*l.* of which a moiety to be employed in the purchase of the lands in question; the remainder, in those expences which are necessary for bringing Settlers, and thereby rendering the land valuable. To those Settlers, lands will be disposed of, either in the way of sale, or lease in perpetuity, at the option of the Settler, on terms very encouraging to him, and abundantly advantageous to the Proprietors.

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* John Fish was authorized to vote for John Hambrough, and did so.

As there are serious objections against receiving into the proposed Settlement any Americans of the description of those who are likely to offer themselves, the Settlers must be Emigrants from Europe; and the most feasible plan seems to be, that they should be selected from those parts of the united kingdom which are most overburdened with inhabitants, viz. the Highlands of Scotland, and some parts of Ireland: a small proportion of the Emigrants who now go from these districts to the United States of America, would be more than sufficient for the object in view. Such a change of their destination could injure no part of the kingdom, and would save to the Empire, subjects who would otherwise be entirely lost to their country. To facilitate an object thus equally advantageous to the public, and to the parties concerned, it is proposed, that a preference should be allowed to Subscribers who are personally connected with these districts of the kingdom, and whose local influence may be of service in promoting the desired change in the destination of those who are determined to emigrate. The Settlement is to be formed in a territory where religion is not the ground of any disqualification, an unreserved participation in every privilege will therefore be enjoyed by Protestant and Catholic without distinction; and it is proposed, that in every parochial division, an allotment of land shall be made for the perpetual support of a Clergyman, of that persuasion which the majority of the inhabitants adhere to.

As the lands in question, possess important natural advantages over any which now remain unoccupied in Nova Scotia and the adjacent Colonies, it cannot be deemed unreasonable, if the Settlers in general are charged for their lands at the lowest rate which they would pay in these provinces. On the other hand, they will naturally expect to be conveyed to their land without incurring more expence than if they were to settle in these Maritime Colonies. The Managers of the concern, must therefore undertake to provide conveyance at moderate rates, for the Emigrants who go out under their patronage. The rate of passage money paid on board of other ships bound to America, may be taken as the criterion. These rates being always proportioned to the prices of freight and shipping at the time, no material loss can be apprehended upon the sea voyage; but as the place of Settlement is at a considerable distance from the sea, an extra expence must be incurred for the inland conveyance, which the Emigrants cannot be expected to pay, if they are to be charged for land at the rate of the Maritime Colonies; the expence which may thus fall upon the Proprietors, may be estimated at about 10*l*. for each family of Settlers at an average. This, however, will be amply reimbursed in the price of land: the lowest price of land in the Maritime Colonies, when sold to actual Settlers, and possessing any tolerable advantages of situation, is at the rate of 10*s*. per acre, if sold; or if leased for a perpetuity, 1*s*. per annum; every family of Settlers may be expected to take up at least 100 acres. They are allowed some accommodation of time for the payment, and 100 acres at the above rate, will amount to 50*l*., a nett advantage of 40*l*., after reimbursing the charge of bringing in the Settlers. If he should prefer leasing, his rent will in two years repay the charges, and will remain afterwards as a clear income to the Proprietor. As the inland situation of the Settlement will preclude the Settler from some of the sources of profit which are enjoyed in maritime situations, it becomes necessary to provide substitutes. The cultivation of hemp is peculiarly calculated for inland situations, as that article is so valuable in proportion to its weight, that it can bear the expence of a considerable inland navigation. This cultivation is also a favourite national object, and the Settlement will derive benefit from the public encouragement which is held out for promoting it. A still more beneficial object of attention, is the growth of fine wool, an article so valuable, that it would bear any expence of inland conveyance, and one for which the country is peculiarly adapted. In the vi-

vicinity of the proposed Settlement, there are immense open plains without wood, fine dry grass land, much of it capable of immediate cultivation, and all well fitted for pasturage, particularly sheep. This is an advantage that no other part of British America possesses by nature; and which the Colonists of the Maritime Provinces cannot obtain without the laborious and expensive operation of clearing. If to this advantage the Proprietors add that of a good breed of Spanish Merino sheep, the Settlers can never meet with any difficulty in paying the price or rent of their land. The fleeces of ten or twelve sheep will pay the rent of 100 acres, and with the produce of a very small flock, the price of a lot of land may be paid off in three or four years. With such advantages, the Settlers must thrive rapidly; and it will soon become apparent to them, that the land is worth a much higher price. At first, however, it cannot be supposed that the common Emigrants will understand, or become capable of appreciating these advantages; on the contrary, it is to be expected that they will be diffident, and afraid of venturing to a new, and (to them) an unknown country; it will therefore be necessary to give some extraordinary encouragement to a few of the first who enter into the plan. From this, and other causes, the commencement of the undertaking must be subject to expences, which will not continue permanently when the Settlement is well established; but, it is only by means of this first outlay, that we can expect to attain the ultimate advantages which are to accrue to the Proprietors. There is no room to believe, that these expences will exceed the sum which is proposed to be raised; but it must be sometime before the Settlers can he numerous enough to pay much either of rent or purchase money; ten or twelve years must therefore elapse, before the profits of the undertaking can be sufficient to afford a dividend to the Proprietors. After that period, the returns may be expected to increase rapidly, and will soon form an ample indemnification to the subscribers, for the loss of interest on the money in the meantime. The amount to which the profits may ultimately arise, seems almost to baffle imagination upon any principle of calculation which can reasonably be adopted; the result comes out so extraordinarily great, that it might appear like exaggeration to state it.

But the difference between buying land at 1*d*. or 2*d*. per acre, and selling at 8*s*. or 10*s*. is very palpable, and does not seem to require much comment. The speculation may not suit those who require an immediate income; but for any one who is desirous to provide before-hand for a young family, such an opportunity seldom occurs.

NOTE.

It will appear from the foregoing prospectus, that some very material circumstances, relative to the situation and advantages of the proposed Settlement, are entirely suppressed, and others very artfully misrepresented in such manner, as easily to mislead persons destitute of geographical knowledge.

The advantages of soil and climate are dwelt upon, and exaggerated, while no notice is taken of the important fact, that the proposed Settlement is 2500 miles distant from any settled country in Upper Canada, and the communication practicable only by canoes; so that the Settlers will be completely insulated from the world, and incapable of finding any market for any produce, even if they should succeed in establishing the proposed Settlement.

No. III.

Admeasurement of the Distance and Stations between York Factory and Lord Selkirk's Colony; by David Thompson, Geographer to the North-West Company.

York Factory is in latitude 57° 1″, longitude 92° 36″ W. The rivers break up the latter end of May, or beginning of June, but the vast quantities of ice left on the shores, impede the navigation till the middle or latter end of June. The first snow comes frequently about the middle of September, and by the 20th, ice and snow are to be found along the river shores; no canoe, with any hopes of getting to the Red River, can leave York Factory later than from the 1st to the 16th of September. The canoes, or boats, &c., that navigate from York Factory to the Red River, do not go up Nelson's River, but up the river on which the Factory is settled, named Hayes' River.

The rivers and distances are as follows:

	Statute Miles.
Hayes' River, ... About eight miles of this, they may be carried up by the tide, all the rest is very strong current, and must be towed up.	52
The *Main River,* comes from the south, or *Nipegon Steel River,* must be towed up, ...	27
Hill River, to the first fall, very strong current, must be towed up, ...	32
Ditto, to the head of the river, ... This distance is a series of shoals, strong rapids, innumerable sunken rocks, and has twelve portages, beside smany discharges and landing places.	30
Swampy Lake, ...	7
Jack Tent River, many rapids, five carrying places,	10
Knee Lake, ...	47
Trout River, many rapids, two carrying places, ...	13
Holy Lake, ...	30
Rivulets and small lakes, five carrying places, ...	50
Each-away-Man's Brook; in dry seasons no water runs in this brook; there are ten beaver-dams kept in repair, and in dry seasons, the canoes, &c. must wait the brook filling up, as at the foot of the dam it is frequently as dry as a barn-floor, ...	28
Hare Lake, this discharges into the *Saskatchewina*	7
	333
Saskatchewina River, and carrying-place, ...	35
Play Green Lake, ...	14
Lake Trempy, by the east side, which is much the shortest, ...	300
Red River, to the Forks, ...	43
Stone Indian River, to the junction of the *Moose River,* a very shoal and tardy navigation, ...	220
Miles, ...	945

Moose River lies in	latitude 49° 40′ longitude 99° 27′ 15″ W.
Junction of the Red and Stone Indian Rivers,	latitude 49° 53′ longitude 97° W.

The degree of cold at Moose River junction was,

November	28th, ...	20°	Below Zero, of Fahrenheit's Thermometer.
	29th, ...	22	
	30th, ...	30	
December	1st, ...	32	
	2d, ...	36	

Hence the greatest degree of cold, was 68° below the freezing point. The country is subject to very heavy gales of wind. From York Factory to Red River, 945 miles, in summer, a canoe of men will rarely be able to find five days provisions in all this distance, but must wholly support themselves on what they laid in store; in winter it is much worse. From York Factory to the mouth of the Red River, the country is extremely forbidding, it is one vast range of rocks, and swamps, and morasses, very many small lakes and ponds, with impenetrable dwarf pines, &c. The wretches that should chance to lose their canoe, must to a certainty perish.

No. IV.

Mr. Bearcroft's Opinion.

Ques. 1st, Whether the King, without the co-operation of the other legislative powers, can grant to any Company an exclusive trade for ever, together with a right of seizing the person and goods of a fellow subject, without legal process; and if not, whether his having illegally granted such advantages and power, does not annul the Charter?

Ans. I am of opinion that the King, without the assent of Parliament, cannot legally grant to any Company, or to any individual, an exclusive trade for ever, together with a right to seize the person and goods of subjects, without process of law; and that such a Grant, if made, is illegal, void, and without effect.

Ques. 2nd, If this Charter is not valid upon the principle above stated, whether it is not voidable by the Company's neglecting to fulfil the views the King had when he granted it?

Ans. If such a Charter could be considered legal and valid in its commencement, yet it will be voidable by *Sci. Fa.* if the Grantees neglect to endeavour, by reasonable and adequate means, to carry the purpose of it into effect.

Ques. 3rd, Whether the grant to them, of the Right of Fishing, is exclusive, or whether the Greenland Fishermen, who have a right to fish at Greenland and the seas adjacent, have not a right to fish at Hudson's Bay?

Ans. The Charter in question, as to so much of it as affects to grant an exclusive trade, and inflict penalties and forfeitures, being, as I conceive, illegal and void, I am of opinion, that the Greenland Fishermen, who have a right to fish there, have also a right to fish in Hudson's Bay.

Ques. 4th, If an individual invades the Charter, by fishing or trading in any of the places granted to the Company, and they seize his people, ship, or goods, whether they have any, and what remedy?

Ans. If the Hudson's Bay Company, or those acting under their authority, shall venture to seize the person, ship, or goods of a British subject fishing there, the action is by action of trespass against the Company, or against the persons who do the act complained of, which action may be brought in any of the Courts of Westminster Hall.

Ques. 5th, If you should be of opinion, that the Charter is in its present form illegal, which is the best way of attacking it; by invading the patent, and permitting them to seize or bring an action, and complaining or defending, according to the circumstances, or by applying to Parliament?

Ans. It is obvious, that the safest way of attacking the Charter, is by applying to Parliament, or by *Sci. Fa.* though in case of seizure, I cannot help thinking, an action of trespass by the party injured, would be successful.

Ques. And generally to advise the parties proposing the present case, who wish to fish and trade in and near Hudson's Bay (and have sent out a ship which means to winter there, unless cut off by the Company's engines, and only wait for your opinion whether to send several more), for the best?

Ans. Upon the whole of this case, I am strongly inclined to think that the parties interested, if it is an object of importance to them, may venture to carry on the proposed trade immediately. The case of the East India Company and Sandys, determined at such a time, and by such Judges as it was, I cannot take to be law; and as to the length the said Charter has been granted and enjoyed, it is a clear and a well known maxim of law, *that which is not valid in the beginning, cannot become so by lapse of time.*

(Signed) EDWARD BEARCROFT.

No. V.

Mr. Gibbs' Opinion.

1st, Such a Charter may certainly be good in some cases, but I am of opinion, that the Charter in question was originally void, because it purports to confer on the Company exclusive privileges of trading, which I think the Crown would not grant without the authority of Parliament. In Sandys against the East India Company, Skinn. 132, 165, 197, 223, the arguments used against their Charter, which was not then confirmed by Act of Parliament, appear to me decisive upon the subject; and although both J. Jefferies, and the other Judges of the King's Bench, decided in favour of the Charter, I have understood that their judgment was afterwards reversed in Parliament.

Adam Smith, in his Wealth of Nations, treats it as an admitted point, that the Charter granted to the Hudson's Bay Company, and others of the like sort, not being confirmed by Parliament, are void, which I mention not as a legal authority, but only to shew how the question has been generally understood.

2nd, A Charter may be forfeited on this ground.

3rd, I should doubt whether they had by this acquiescence, forfeited their exclusive privilege, if it ever existed; but this question is immaterial after my answer to the first.

4th, If the former were legal, this would be so likewise. I think them both legal, on the ground of my answer to the first query.

5th, Probably they might prosecute the captain; but if this question were material, it would be necessary that I should see a copy or abstract of the Charter, before I could answer it.

6th, He might, if there were any legal cause of prosecution.

7th, I hardly think that they would be held to fall within this act, nor does it signify whether they do or not. If my opinion is well founded, the North-West Company may navigate Hudson's Bay, and carry on their trade as they please, without any fear of legal molestation, in consequence of the monopoly claimed by the Hudson's Bay Company under their Charter, and I think they may act as if no such Charter existed.

(Signed) V. GIBBS,

Lincoln's Inn, January 7th, 1804.

No. VI.

In the Matter of the Hudson's Bay Company's Charter, and their Grant to Lord Selkirk.

(Copy.)

Questions, and Opinion of Sir Arthur Pigott, Mr. Spankie, and Mr. Brougham, January, 1816.

1st, Whether the exclusive Trade, Territories, Powers and Privileges, granted by the Charter of Charles the Second, confirmed by the expired Act of King William, is a Legal Grant, and such as the Crown was warranted in making; and if it was, whether it entitles the Company to exclude the Canadian Traders from entering their territory to trade with the Indians, and authorizes the Governors and other Officers appointed by the Company to seize and confiscate the goods of the persons so trading, without the licence of the Company?

The prerogative of the Crown to grant an *exclusive trade*, was formerly very much agitated in the great case of "the East India Company *versus* Sandys." The Court of King's Bench, in which Lord Jefferies then presided, held and decided, that such a Grant was Legal. We are not aware that there has since been any decision expressly on this question, in the Courts of Law, and most of the Charters for exclusive trade, and exclusive privileges to Companies or Associations, have, since the Revolution, received such a degree of Legislative sanction, or recognition, as perhaps to preclude the necessity of any judicial decision on it. Much more moderate opinions were, however, entertained concerning the extent of the prerogative, after the Revolution, than prevailed in the latter part of the Reign of Charles the Second, and in the Reign of James the Second; and to those is to be attributed the frequent recourse which, after the Revolution, was had to legislative authority in such cases, and particularly in the very case of this Company, evidenced by the temporary Act of the 2d

7 State Trials, 493
10 State Trials, New Edit. 371, Skinner, 132, 167, 197, 223.
In 4 Bacon's Abr. Monopoly, p. 74, it is laid down in the text as Law, that the King cannot by Charter, grant an exclusive Trade. See also 6 Com. Dig. Prerogative, D. 2, &c. Trade, D. 1, 4, &c.

of William and Mary, "for confirming to the Governor and Company trading to Hudson's Bay, their Privileges and Trade;" a confirmation, the duration of which, the Legislature expressly limited to seven years, and the end of the then next Session of Parliament, and no longer: and part of the Preamble of that Act is, in effect, a Legislative Declaration of the insufficiency and inadequacy of the Charter for the purposes professed in it, without the aid and authority of the Legislature; which legislative aid and authority entirely ceased soon after the expiration of seven years after that Act passed.

In 1745, indeed, the 18th Geo. II. cap. 17, for granting a reward for the discovery of a North-West Passage through Hudson's Straits, Enacts, "that nothing therein contained, shall any ways extend, or be construed to take away or prejudice any of the Estate, Rights or Privileges of or belonging to the Governor and Company of Adventurers of England, trading into Hudson's Bay;"—but this Provision gives no validity whatever to the Charter, and only leaves its effect and authority as they stood before that Act, and entirely unaffected by it.

These Parliamentary Proceedings may at least justify the inference, that the extent of the Prerogative in this matter was considered as a subject which admitted of great doubt, in times when the independence of the Judges insured a more temperate and impartial consideration of it. They may, however, be perhaps, considered as too equivocal to afford any certain and conclusive authority on the strict question of Law. Such rights, therefore, as the Hudson's Bay Company can derive from the Crown alone, under this extraordinary Charter, such as it is, may not be affected by these Proceedings or Declarations, and they may now rest entirely upon, and stand or fall by, the Common Law Prerogative of the Crown to make such a Grant.

Upon the general question of the right of the Crown to make such a Grant, perhaps it may not be necessary for the present purpose that we should give any opinion. The right of the Crown merely to erect a Company for Trading by Charter, and make a grant of Territory in King Charles the Second's reign, may not be disputable: and, on the other hand, besides that this Charter seems to create, or attempt to create, a Joint Stock Company, and to grant an *exclusive* right of Trading, there are various clauses in the Charter, particularly those empowering the Company to impose Fines and Penalties, to seize or confiscate Goods and Ships, and seize or arrest the persons of interlopers,

Horn v. Ivy, 1 Siderfin. 441; Nightingale v. Bridges, Shower, 35 and the cases in Viner ubi supra admitted by Lord Jefferies, Ch. J in the East India Company v. Sandys ubi supra, p. 519. These clauses seem to be of a similar description to those in the East India Company's Charter in that case considered.

and compel them to give security in 1000*l.* &c. &c. which are altogether illegal, and were always so admitted to be, and among other times, even at the time, when the extent of the Prerogative in this matter was maintained at its height, to grant an *exclusive* right to trade abroad ; and even if by virtue of their Charter they could maintain an *exclusive* right to Trade, we are clearly of opinion, that they and their Officers, Agents, or Servants, could not justify any seizure of goods, imposition of fine or penalty, or arrest or imprisonment of the persons of any of His Majesty's subjects. Probably the Company would have some difficulty in finding a legal mode of proceeding against any of those who infringe their alledged *exclusive* rights of Trading, or violate their claimed territory ; for we hold it to be clear, that the methods pointed out by the Charter would be illegal, and could not be supported.

But we think that the Hudson's Bay Company and their Grantee, Lord Selkirk, have extended their Territorial Claims much farther than the Charter, or any sound construction of it will warrant. Supposing it free from all the objections to which we apprehend it may, in other respects, be liable, the words of Grant pursuing the recital of the Petition of the Grantees, with a very trifling variation, and with none that can affect the construction of the Instrument, are of " the sole Trade and Commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatever latitude they shall be, that lie WITHIN the entrance of the straits, commonly called Hudson's Straits, together with the lands and territories UPON *the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks,* and *sounds aforesaid,*" that is *within* the straits, and these limits are frequently referred to in the subsequent parts of the Charter, and always referred to throughout the Charter, as the " *limits aforesaid.*"

There is indeed (p. 10) an extension of the right of Trade, and His Majesty grants that the Company " shall for ever hereafter have, use, and enjoy not only the whole entire and only liberty of Trade and Traffic, and the whole entire and only liberty, use, and privilege of Trading and Traffic to and from the *territories, limits, and places aforesaid,* but also the whole and entire *Trade and Traffic* to and from all havens, bays, creeks, rivers, lakes, and seas, *into which they may find entrance or passage by water or land, out of the territories, limits,* and places aforesaid, *and to and with all the* natives and people, inhabitants, or which shall inhabit WITHIN the territories, *limits,* and places aforesaid, and to and with all other nations inhabiting any of the *coasts adjacent* to the said territories, *limits*, and places aforesaid, which are not already possessed as aforesaid."

It is plain, therefore, that the Territorial Grant was not intended to comprehend *all* the lands and territories that might be approached *through Hudson's Straits* by land or water. The Territorial Grant then appears to be limited by the relation and proximity of the territories to Hudson's Straits. The general description applying to the whole, is the seas, &c. that lie WITHIN Hudson's Straits, and the land, &c. *upon the countries, coasts, and confines* of the seas, &c. that is, *reddendo singula singulis*, the lands *upon* the countries, coasts, and confines of each of the seas, rivers, &c. naturally including such a portion of territory as might be reasonably necessary for the objects in view; but it is not a Grant of all the lands and territories in which the seas, rivers, &c. lie, or are situated, or which surround them to any indefinite extent or distance from them. Still less is it a Grant of all the lands and territories lying between the seas, straits, rivers, &c. though many hundred or thousand miles or leagues of lands and territories might lie between one sea, strait, river, lake, &c. and another sea, strait, river, lake, &c. and though the quantity of land comprized in this interior situation, and far distant from any coast or confine of the specified waters, might exceed in dimensions the extent of many existing powerful kingdoms or states. *Within* the straits, must mean such a proximity to the straits, as would give the lands spoken of, a sort of affinity or relation to Hudson's Straits, and not such lands, as from their immense distance (in this case the nearest point to Hudson's Bay being 700 miles, and from thence extending to a distance of 1500 miles from it), have no such geographical affinity or relation to the straits, but which are not even approached by the Canadians through, or by the straits in question. The whole Grant contemplates the straits as the *access* to the lands and territories therein referred to; and as there is no boundary specified, except by the description of the coasts and confines of the places mentioned, that is, the coasts and confines of the seas, &c. within the straits, such a boundary must be implied as is consistent with that view, and with the professed objects of a Trading Company intending, not to found kingdoms and establish states, but to carry on fisheries in those waters, and to trade and traffic for the acquisition of skins and peltries, and the other articles mentioned in the Charter; and in such a long tract of time as nearly 150 years now elapsed since the Grant of the Charter, it must now be, and must indeed long since have been, fully ascertained by the actual occupation of the Hudson's Bay Company, what portion or portions of lands and territories in the vicinity, and on the coasts and confines of the waters mentioned and described as within the straits, they have found necessary for their purposes, and for forts, factories, towns, villages, settlements, or such other establishments in such vicinity, and on such coasts and confines, as pertain and belong to a Company instituted for the purposes mentioned in their Charter, and necessary, useful, or convenient to them within the prescribed limits for the prosecution of those purposes. The enormous extensions of land and territory now claimed, appears therefore to us, not to be warranted by any sound construction of the Charter; and if it could be so, we do not know where the land and territory of the Hudson's Bay Company, granted by this Charter, terminates, nor what are the parts of that vast Continent on which they have taken upon them to grant 116,000 miles of territory, exempted from their proprietorship under their Charter.

Indeed there may be sufficient reason to suppose that the territories in question, or part of them, had been then visited, traded in, and in a certain degree occupied by the French Settlers, or Traders in Canada, and their Beaver Company erected in 1630, whose trade in Peltries was considerable prior to the date of the Charter. These territories therefore would be expressly excepted out of the Grant; and the right of British Subjects in general to visit and trade in these regions, would follow the national rights acquired by the King, by the conquest and cession of Canada, and as enjoyed by the French Canadians, previous to that conquest and cession.

No territorial right therefore can be claimed in the districts in question; and the *exclusive* trade there cannot be set up by virtue of the Charter, these districts being remote from any geographical relation to Hudson's Bay, and to the straits, and not being in any sense *within the straits*, and not being approached by the Canadian Traders, or other alledged interlopers, through the interdicted regions; of course no violence to, or interruption of trade could be justified there, under these territorial claims.

2nd, Whether the Hudson's Bay Company were warranted in making a Grant to Lord Selkirk, as one of their own body, of the immense district of Territory described in Governor M'Donell's Proclamation; notwithstanding the opposition of part of the Proprietors of Stock? And after making such Grant, has the Company any right to exercise their jurisdiction, in appointing Governors, and other Officers over that District; or can they grant or transfer such power to his Lordship? If you should be of opinion that the Grant to his Lordship is illegal, or unwarranted by the Charter, what measures ought to be taken to set aside the same?

The validity of the Grant to Lord Selkirk may be considered, both as it affects the Members of the Company, and the Public at large.

If, contrary to our opinion, the land and territory in question were within the Grant, then the Grant of so large a portion of territory as that to Lord Selkirk, being not less than 116,000 square miles, might perhaps seem an abuse of the Charter, which might justify the interference of the Crown. Because, though the Company might have a right to make Grants of land, such Grants must be for the promotion of, or at least must be consistent with, the object of the Institution. But the Grant to Lord Selkirk, tends to an establishment, independent of the Company, inconsistent with the purposes of their Institution, and its effect; erecting a sub-monopoly in one person, to the detriment both of the Company and of the Public. The Company could confer no power upon Lord Selkirk, to appoint Governors, Courts of Justice, or exercise any independent authority; nor could they directly or indirectly transfer their authority to him, to be exercised by him in his own name. Supposing the Grant of Land to be such a Grant as falls within the powers of the Company to make, their superior Lordship and authority would continue as before, and must be exercised through them.

3rd, Whether the jurisdiction given by the Act of 43rd Geo. III. to the Canadian Courts of Criminal Judicature, extends to the Territories of the Hudson's Bay Company, so as to entitle those Courts to try and punish offences committed within those territories? And wether Governor M'Donell, and Mr. Spencer his Sheriff, can legally be tried before the Canadian Courts, for the offences with which they now stand charged?

There seems no reason to doubt that offences actually committed in the territories and districts in dispute, where no Court of Judicature is or ever has been established, might, in point of jurisdiction, legally be tried by the Courts of Canada, under the 43rd Geo. III. cap. 138; and indeed, unless this district was within the provisions of that Act, we cannot discover what territory was meant to be included in it; but we think, that though the jurisdiction might be capable of being supported, the acts done by Messrs. M'Donell and Spencer could not be deemed larceny, and that they, or others acting in similar circumstances, ought not to be indicted or brought to a trial for the crime of larceny. They acted perhaps erroneously, upon a claim of territorial dominion, and of exclusive commercial privilege, and may be liable to be proceeded against as for a trespass or other injury to persons or property; but we think they could not be properly convicted on a charge of felony.

4th, Is it competent to the Governors, and other Officers already appointed, or that may be appointed by the Hudson's Bay Company, to seize and bring to trial before their Courts of Judicature, His Majesty's Canadian Subjects who may be found trading within the Company's Territories, for infringing the Company's monopoly, or for committing any other alledged crime or offence?

Supposing the Charter of the Company valid, and the districts in dispute to be within their limits, we should still doubt whether the Governor and Company have lawful power by the Charter, to establish Courts for the trial by the Laws of England, of offences committed therein. That power the Company have never yet attempted to exercise, though nearly 150 years have elapsed since they procured their Charter. But if they should still possess this extraordinary power without further authority, legislative or regal, we should nevertheless think that no Courts there established, would have authority to try and punish as an *offence, the act of going there* simply; which, if the Grant be legal, could amount at the most only to a misdemeanor, or contempt of the King's lawful authority, to be prosecuted at the suit of His Majesty. But the Charter itself seems to take the offence, as far as the Company are concerned, out of the jurisdiction of the local Courts, by (illegally indeed) prescribing certain forfeitures, and declaring, page 12, "that every the said offenders, for their said contempt, to suffer such punishment as to us, our heirs and successors, shall seem meet or convenient, and not to be in amprize (query, mainprize?) delivered until they and every of them shall become bound unto the said Governor for the time being, in the sum of 1000*l.* at least, at no time thereafter to trade, &c." A subsequent Clause (p. 16) authorizes the seizing and sending to England, those who come into their territories without authority. It seems, therefore, that the Courts in question, would have no power to try as an offence at Common Law, the mere coming into the Company's territories, contrary to the prohibition in the Letters Patent, which point out other modes of proceeding, and legally confer no other powers applicable to the Case.

If the question were merely a question of Boundary between two acknowledged adjacent Colonies or Provinces, it might perhaps be determined by the King in Council, where we apprehend such a jurisdiction is vested, and has been exercised, but that probably would not set at rest the principal points, or prevent interference. The validity of the Grant of an *exclusive* trade might, we apprehend, be tried directly by *scire facias*, or incidentally in actions of trespass, which, however, might still leave other main points undecided; and the Company might perhaps be capable of retaining some part of what has been granted to them, and might fail as to many others. In these circumstances it appears, that interests and pretensions so opposite, and which may be productive of so much confusion and disorder, and of consequences so dangerous and destructive to the persons and properties of those who, by reason of the failure of the ordinary means of protection afforded by the law, may be said to be peculiarly under the safeguard of Government, can only be effectually and satisfactorily adjusted and reconciled by Government, with the aid and authority of Parliament; and by that authority, (after causing such an investigation into them, as Government would, in such a case, probably feel it indispensable to make, and are fully possessed by the Law Officers of the Crown, and otherways, of all the means of making) due allowance would be made for such rights of the Company, as were deemed legal and well founded, and protection and freedom secured to the Canadians as well as to the rest of the King's Subjects, in the prosecution of that commerce, which the Canadians have long enjoyed, and which the rest of the King's Subjects have frequently, and whenever they have thought proper, carried on, and which, it is stated to us, they have never been hitherto attempted to be interrupted in by the Hudson's Bay Company.

No. VII.

Affidavit by George Campbell.

George Campbell, late of Scotland, in the parish of Creich, and county of Sutherland, deposeth, That in the Year of Our Lord One Thousand Eight Hundred and Thirteen, hearing that Lord Selkirk was establishing a Colony in the North-West Country of Canada, and understanding that William M'Donald, one of Lord Selkirk's Agents, had arrived at Brora, (a small village in the county of Sutherland), for the purpose of engaging individuals to settle in said North-West Country of Canada, went to inquire into the particulars of the agreement.

That on his arrival at said village of Brora, he went to the lodgings of William M'Donald, and after breaking the subject to him, was informed by said William M'Donald, that on his arrival at Red River, in said North-West Country of Canada, upon paying the sum of five shillings sterling per acre, he would be put in immediate possession of as much land as he should require.

That any one of the Settlers who could not pay the stated sum of five shillings sterling per acre, would be furnished with the like quantity for the rent of one bushel of wheat per acre per annum, or until payment at the rate aforesaid should be made.

That upon being put in possession of said land, he was to receive all implements of husbandry, live stock, &c. necessary to equip a husbandman, without exception.

That upon being thus informed, he took his leave of said William M'Donald, (without giving him any decisive answer), and returned to his home in the parish and county aforesaid, where he was in about a week after visited by said William M'Donald.

That upon conversing some time with him, he signed a paper, to which were prefixed the names of those already engaged.

That upon signing this paper, he conceives, but cannot assert it as a fact, that he paid said William M'Donald two shillings sterling, but is positive that others who signed it, actually did pay two shillings sterling.

That William M'Donald having collected a few signatures, he took his departure and returned to Brora, previously telling him (this Deponent) that he would be apprized of his Lordship's arrival in Scotland.

That some time after these transactions, (he cannot be exact in the period), he was informed that Lord Selkirk had arrived in Sutherlandshire, and with a view to meet his Lordship, went to Helmsdale, parish of Loth, and county of Sutherland.

That on his way to said village, he met his Lordship and Agent, Mr. M'Lellan, near a public-house, on their way to Donald M'Kay's, in the parish of Kleyne, county aforesaid.

That his Lordship having opened the door of his carriage, spoke to him (this Deponent) on the subject of the agreement he had formed with William M'Donald: his Lordship desired him to accompany them to Donald M'Kay's, in the parish of Kleyne.

That in their route they stopt at Mr. Ross's dwelling-house, where, leaving the coach, his Lordship proceeded on horseback.

That, on their arrival at Donald M'Kay's, they found a number of persons there on business of the same nature.

That his Lordship, having dined, convened those who were present, corroborating in every respect the proposals of Mr. William M'Donald, and shaking hands very cordially with almost all those who were assembled.

That he (this Deponent) remained at Donald M'Kay's about three hours, when his Lordship desired him to go, and prepare himself for the voyage, giving him twenty days to arrange his affairs; which he did, telling his Lordship that he would return to Helmsdale at the time appointed.

That having settled his family concerns, &c. he returned to Helmsdale, and there learned that his Lordship had gone to Stromness.

That having staid two days at Helmsdale, he, in company with William M'Donald, (who had lodged with him during their stay at Helmsdale), proceeded to Stromness in a schooner, where they arrived in two days from the time of their embarkation.

That in Stromness he hired lodgings, and William M'Donald lodged with him; that he saw his Lordship here (Stromness), and paid into his hands the sum of thirty guineas, for his wife and child's passage, also his own; for which payment he received a Note from his Lordship, and which he has now in possession.

That he also deposited in his Lordship's hands the sum of forty-two pounds sterling, (for which he also received his Lordship's Note), as payment of a tract of land; his Lordship at the same time telling, that should he not like the land, he had his (Lord Selkirk's) full permission to go elsewhere.

That he remained fourteen days at Stromness, (during which time no conversation of importance passed between his Lordship and him), when he and others, under the same circumstances, embarked on board the Prince of Wales (merchant ship).

That his Lordship came on board the Prince of Wales, and told him and others, that it would be necessary for some of them to keep watch in their turn, to prevent sickness, which might occur from being crowded below.

That, previous to his leaving Stromness, his Lordship had told him to carry a gun with him, as he would require one to defend himself from any attack made by his enemies.

That he cannot state the time when the Prince of Wales left Stromness; but states, that said Ship arrived at Churchill Cove, in the season autumn Eighteen Hundred and Thirteen.

That on his landing at the Cove, he was very ill provided for, being under the necessity of laying under old sails, and his provisions at the same time exceedingly bad; and he firmly believes it to be the effect of ill treatment, that a number of the Colonists died.

That his Lordship had desired him (this Deponent) to bring neither money, clothes, or any other articles necessary, for that he could procure them as cheap at Red River as in Sutherlandshire.

That on his arrival at Churchill, he found that nothing could be purchased but with ready cash, and at so great a price, that he was surprized; he having paid for one pound of tobacco, five shillings and sixpence sterling.

That, instead of the allowance of English provisions, such as labouring men are accustomed to receive in Great Britain, and which Lord Selkirk had said should be allowed him, Mr. Archibald M'Donald, one of his Lordship's Agents, who was present at the time when this promise was made, issued one pound of oatmeal and half a partridge per day, to each man, (with the same allowance for a woman and two children), together with eight pounds molasses, and eight pounds damaged pease, for every mess of twelve men per week.

That upon demonstrating to Archibald M'Donald, that such was not the kind of provisions promised by his Lordship in his (Archibald M'Donald's) presence, Archibald M'Donald answered him, that he ought to be content with what he got, as it was good enough for him. The Deponent also states, that the English provisions which had accompanied them, were taken from them (the Colonists), and issued to the Hudson's Bay Company's Servants; and states that, to procure the scanty pittance of half a partridge per day, they were under the necessity of travelling fifteen miles, to draw it on sleighs; that if they (the Colonists) refused to comply, their provisions were immediately stopt.

That on his route from Churchill to Red River, they laboured in the same manner as the Servants of the Hudson's Bay Company, and without recompense.

That on their (the Colonists') arrival at Red River, one hundred acres of land was given to each Settler, and that he and five or six Settlers, were furnished with horses.

That he received no impliments of husbandry or live stock, and all the kitchen furniture he could procure, was an old frying pan, and a small copper kettle.

That the provisions issued to them at Red River were very indifferent, such as pemican and cat fish; no salt could be procured.

That Miles M'Donell assembled the Settlers at his dwelling-house, in Red River Settlement, and calling him (this Deponent), Angus M'Kay, and John Mathuson to his room, desired them to tell the Settlers that arms would be furnished them for their defence.

That he went out and spoke to the Settlers on the subject, and which measure they all adopted, but two would not.

That upon this, they were formed into a line at the end of Mr. Miles M'Donell's house, where they were treated to a glass of spirits per man, Miles M'Donell at the same time telling him, that the laws of this Country (meaning Red River) were, the stronger parties dictating to the weaker. After this harangue, each man was furnished with a gun and ammunition.

That finding his treatment the reverse to what he was led to expect from Lord Selkirk's representations, and for the reasons specified in this Deposition, he judged it expedient to return to Canada, and for that purpose requested a passage from Red River, from Mr. D. Cameron (a

Proprietor in the North West Company), which was granted.

And farther this Deponent says not.

St. Mary Two Falls, 19th August, 1815.

(Signed) GEORGE CAMPBELL.

Sworn before me, one of His Majesty's Justices of the Peace for the Indian Territories,

(Signed) JOHN JOHNSTON.

No. VIII.

James Toomy's Affidavit.

PERSONALLY came and appeared before me, Archibald Norman Macleod, Esq. one of the Justices of our Lord the King, duly appointed for the Indian Territory—James Toomy, a native of Ireland, now at Montreal; deposeth and saith, that in the month of June, in the Year One Thousand Eight Hundred and Eleven, he was engaged to the Hudson's Bay Company for three years; that in the spring of the year One Thousand Eight Hundred and Fourteen, he was at the Red River, in the said Indian Territory; that early in the said spring, on or about the 15th of March, he this Deponent, and several other servants of the Hudson's Bay Company, were ordered by Captain Miles Macdonell, to prepare themselves to go off next morning to the Plains, in search of provisions, to the tents of the Freemen, and that he, Captain Miles Macdonell, would follow them; that he the said Captain Miles Macdonell addressed himself chiefly to this Deponent on this occasion; that the following morning, he this Deponent, and several other servants of the Hudson's Bay Company, to the number of fourteen or fifteen, received arms and ammunition from one Mr. Spencer, and proceeded under the command of one Mr. Warren, to the tents of some Freemen, one Charles Hesse and others, near Turtle River; that the second or third night, he this Deponent and party aforesaid slept in the tents of the said Freemen; that he this Deponent and party found one Michael Macdonell (one of the Clerks of the said Hudson's Bay Company) at the Freemen's tents;

that he this Deponent found there also the servants of the North-West Company, named Jean Baptiste Desmarrais, and two or three others, whose names this Deponent does not recollect; that the next morning this Deponent was present, when the said Jean Baptiste Desmarrais and the other servants of the North-West Company received from the said Freemen a quantity of provisions, consisting of beat meat*, and tallow, as well as fresh meat, with which the said Jean Baptiste Desmarrais loaded two or three trains† (being more than one-horse load), and the said Desmarrais and party proceeded with the said trains so loaded, towards the North-West Company's Forts at Turtle River; that the said Mr. Warren and the said Michael Macdonell, immediately ordered this Deponent and the other servants of the Hudson's Bay Company, to fall in rank and files, to load their muskets with powder and ball, and to screw on their bayonets, and put themselves in array to force the said Jean Baptiste Desmarrais and others, the servants of the North-West Company aforesaid, to give up to him this Deponent, and the said Mr. Warren and Michael Macdonell and party aforesaid, the said provisions then in the possession of the said Jean Baptiste Desmarrais, and the other servants of the North-West Company; that the said Jean Baptiste Desmarrais and his party, not finding themselves strong enough to oppose the said Mr. Warren and the said Michael Macdonell, they took the said provisions from the said Desmarrais in the presence of this Deponent; that the said Michael Macdonell ordered this Deponent to go and meet the said Captain Miles Macdonell, and inform him of what had just passed between the said Michael Macdonell and the said servants of the North-West Company; that is to say, to "tell Captain Miles Macdonell, that he, Michael Macdonell, had succeeded in taking the provisions from the servants of the North-West Company by force;" that this Deponent did impart this message to Captain Miles Macdonell, who replied, "it was all very well;" and he the said Captain Miles Macdonell then ordered this Deponent to return to where the said Mr. Michael Macdonell had taken possession of the said North-West Company's provisions, to tell the said Michael Macdonell to keep possession of the said provisions until he, the said Captain Miles Macdonell, should arrive there himself; that this Deponent then did return, according to orders, and imparted the said last-mentioned message to the said Michael Macdonell; that this Deponent accompanied the said Michael Macdonell from Fort William, on the said Indian Territory, to this place; that the said Michael Macdonell is now in Montreal.

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* The Buffalo-meat is prepared by being *beat*, or *pounded*, with tallow.

† The *trains*, are *sledges* drawn on the snow by dogs, and sometimes by men.

his
(Signed) JAMES ⋊ TOOMY.
Mark.

Sworn before me, at Montreal,
this 20th September, 1815,
(Signed) A. N. Macleod,
J. P. I. T.

No. IX.

James Pinkman's Affidavit.

Personally came and appeared before me, Archibald Norman Macleod, one of His Majesty's Justices duly appointed for the Indian Territory—James Pinkman, a native of Ireland, now at Montreal, who being duly sworn, deposeth and saith, that on or about the twenty-ninth day of May, Eighteen Hundred and Fourteen, at the Forks of the Red River, he was ordered by Mr. John Spencer to arm himself, and to be in readiness to proceed to Portage La Prairie, about two days' journey up the Assiniboine River; that on the following day he, with two others, under the immediate orders of John Spencer, went to the said Portage La Prairie, where they remained a few hours to refresh, after which they proceeded to Brandon House, on the banks of the River La Sourie, where they arrived on the third morning succeeding that of their departure from the Forks; that on their arrival at the said house, he, Mr. John Spencer, went to the North-West Fort at that place, making a demand for provisions; that to the best of his knowledge and recollection, one of those two men who accompanied him from the Forks of the Red River, went with him, Mr. John Spencer, to the said North-West Company's Fort; that he cannot pretend to any knowledge of what passed between the person in charge of the Fort and Mr. John Spencer, but states, that a letter was written by John Spencer, and sent by one of his men to Miles Macdonell; that he supposed the letter was relative to the provisions, but is not positive; that during five days that the messenger was absent, they remained inactive; that on the fifth day the messenger stated, arrived with an answer from Miles Macdonell, to this effect: " that Mr. John Spencer should force his way;"—That on the afternoon of the same day Mr. John Spencer ordered him, with the aforementioned two men, to embark and cross the river, which was effected, Mr. Howes, of the Hudson's Bay Company, having accompanied them, by landing before the gates of the Fort; that Mr. John Spencer remarked while in the boat, that his orders were to take the provisions by force; that on their arrival at the gates of the Fort, which were shut, Mr. John Spencer demanded, in the King's name, that the provisions, or pemican, grease, &c. then in the Fort, should be delivered to him; that on which, Mr. Pritchard, the person in charge of said provisions, &c. desired he, Mr. Spencer, would wait a few minutes: Mr. Pritchard returned with a small note, which he pushed through the stockades to Mr. John Spencer; that on Mr. John Spencer's reading the note, he turned round and said, " that will not do;" to which Mr. Pritchard replied, " then you must force your way, as I will not open the gates;" that he and the other two men were then ordered by John Spencer to cut down the stockades, and take the said provisions, and by force of arms, which they did; to effect also which, the iron staples of the store were drawn, to open the door, and John Spencer took all the provisions belonging to the North-West Company, in the house and store so broke open, viz. five hundred bags of pemican, about ninety-six kegs of grease, and about nine bales of dried meat; that this Deponent objected to breaking open the house, and to be aiding in taking the provisions, to which the said John Spencer replied, he must obey his orders; that these provisions, &c. being taken in the manner stated, were conveyed across the river to the Hudson's Bay Company's Fort, and there deposited, except two batteaux loads, which were by the said Spencer taken down to the Forks, and delivered to Miles Macdonell.

(Signed) JAMES PINKMAN.

Sworn this 13th day of September,
1815, at Montreal, before me,

(Signed) A. N. Macleod,
J. P.

No. X.

Hugh Swords' Affidavit.

Personally came and appeared before me, Archibald Norman Macleod, one of His Majesty's Justices duly appointed for the Indian Territory—Hugh Swords, a native of Ireland, now at Montreal, deposeth and saith, that in June, 1812, he was engaged to the Hudson's Bay Company for three years; that in the spring of the year 1814, he was at the Red River; that this Deponent and several other servants of the Hudson's Bay Company were sent for to the house of Miles M'Donell; that Miles M'Donell then told him, that he this Deponent and the other men, to the number of eight or nine, were to proceed up the River, under the command of one John Warren, and keep a strict watch of any boat or boats of the North-West Company, with provisions, if they should come down the river; and if any did come down, that they were to take such boat and boats, and the provisions, by surprize or force, and that Mr. Warren would command them; that this Deponent and the other servants of the Hudson's Bay Company were furnished with arms and ammunition, that is to say, muskets and bayonets, and ball-cartridges, out of the store of Miles M'Donell; and Miles M'Donell also told this Deponent and the other servants, that they were to obey the orders of Mr. Spencer. Being so armed, this Deponent and the other men proceeded up the River Assiniboine, under the command of Mr. Warren; that they travelled along the River until dark, and then camped; that that day they saw no appearance of a boat or provisions. The next morning Miles M'Donell joined them with a *field-piece*, and a number of men armed with muskets, where they had camped; that Miles M'Donell then placed the field-piece in a position, on a point so as to command the passage of the river, and prevent any boats from going down; that when they were all assembled they formed a pretty large party of men; that this Deponent was ordered into a boat with eight or nine other men, under the command of Mr. Spencer, to go up the river to see if there was any appearance of the boat with the provisions coming down; that they went a few miles up the river, and returned to the point where the camp and cannon were, without having seen any thing of the boat; that that evening, this Deponent and all the other men returned to the Fort, where Miles M'Donell lived; that the next day eight or nine men, of which this Deponent was one, were ordered by Miles M'Donell to arm themselves with muskets and ball-cartridges, which they did, and were ordered again in a boat up the river, under the command of Mr. John Spencer, in search of the North-West Company's boat and provisions; that they went up the River two days' journey; that they found a boat, which they knew to be a boat belonging to the North-West Company, in a small Bay; that there were no provisions in the boat, and that it had apparently drifted there; and finding no provisions in the boat, Mr. Spencer ordered the men to search in different parts of the beach, and points of wood, to see where the provisions had been deposited; that they looked in many places and points, and could not find it, and returned where they left their boat; that that same evening they went up the river by land, and travelled until they came to a lodge, or hut, where they found three Canadians (one Poitras and his son, and the other he does not recollect his name perfectly, but believes it was one Soucisse); that by orders of Mr. Spencer, they took the three Canadians prisoners, and took them down where the boat was; that next morning Mr. Spencer, this Deponent, and the other men, embarked in the boat with the said three Canadian prisoners, and returned to Miles M'Donell, and delivered the said Canadian prisoners over to Mr. M'Donell; that he took them into his own apartments: what passed there this Deponent cannot say; towards evening the said Canadians were let at liberty, and they went down and slept in the tents of some Freemen that were encamped on the water side; that next morning this Deponent and another man was ordered to go with the said John Spencer on horseback up to Poitras' Lodge, where they had been taken prisoners, and that Poitras would shew them where the provisions were, as this Deponent understood; that they all rode up to Poitras' Lodge, and Poitras pointed out to them, on the other side of the river, the place where the North-West Company's servants had deposited their provisions; that this Deponent the other man, and the said Mr. Spencer, crossed in a wooden canoe, and went to the place pointed out by Poitras, and there found the provisions deposited; that the provisions were carefully and securely placed upon wood, and well covered with a leather tent, to prevent them from being injured by the rain or weather; that that night, the said John Spencer, this Deponent, and the other man, slept alongside of the provisions, to guard them, or prevent their being removed; that the next day a boat with eight or nine men came up from Miles M'Donell's Fort, to take down the said provisions; that when the boat came up, this Deponent and the other man took off the covering of the provisions, and found them to be sacks of pemican in good order; that they were recognized to be the provisions belonging to the North-West Company; and that the said provisions consisted of 96 or 97 leather bags of pemican, weighing each about 90 pounds; that is, dried meat and grease pounded together; that the pemican is considered the best provisions for carrying on the trade; it will keep for several years, and is obtained at a very considerable expence and trouble, and considered absolutely necessary for bringing the traders and their men out of the Indian Country, until they can get supplied with other kinds of provisions; that this Deponent and the other men, by the direction of the said John Spencer, took the said provisions from the place where they were so deposited, and put them on board the last-mentioned boat, and conducted it down the river to the Fort of the said Miles M'Donell, and deposited the said provisions in his store; that he cannot say for what reasons the said provisions were taken, for there was no want of provisions in Miles M'Donell's Fort at the time, especially as the fishing season had commenced.

his
(Signed) HUGH ⋊ SWORDS,
Mark.

Sworn before me, at Montreal,
this 13th day of September, 1815,

(Signed) A. N. Macleod,
J. P.

No. XI.

James Golden's Affidavit.

Personally came and appeared before me, Archibald Norman Macleod, Esquire, one of the Justices of our Lord the King, duly appointed for the Indian Territory—James Golden, late of Ireland, County of Sligo, now at Montreal, and deposeth and saith, That in the Year One Thousand Eight Hundred and Fourteen, he was commanded to take arms and join the rest of the Settlers, Colonists and Servants of the Hudson's Bay Company (by Holdsworth, one of Miles M'Donell's servants), which orders were rejected by him this Deponent, with this remark, that he (this Deponent) would not enter upon such a business, or act in any such manner, but in event of Miles M'Donell's leading the said party in person; that upon this reply, Holdsworth went back, and remaining some time absent, returned to said Deponent, telling him to take arms and join the said party, which orders this Deponent complied with; that having been furnished with arms and ammunition, this Deponent loaded his piece ready for action; that from Miles M'Donell's dwelling house, said party of Settlers, Colonists and Servants of the Hudson's Bay Company, were commanded and led by said Miles M'Donell and his inferior Officers, to assume a station on the banks of the river, to wait and intercept the craft belonging to the North-West Company, then on their way down Red River (or in other words, the Assiniboine River), with provisions; that to the best of his recollection, the said party consisted on this day, of twenty-five or twenty-six men, well armed and equipt, and one brass field-piece; that he this Deponent had orders from the inferior officers to act in like manner with said party, or after the same form of procedure, in compelling the craft of the North-West Company to land; that the first winter this Deponent and his companions wintered at the Red River, they were assisted by the servants of the North-West Company with provisions, by means whereof many persons belonging to the Hudson's Bay Company and the Colony at Red River, were kept from starving. In consequence of the North-West Company having assisted this Deponent and his comrades with provisions when starving, was this Deponent's chief reason why he refused to take up arms to take provisions by force, from the persons who had so assisted them; besides, this Deponent did not wish to enter into a proceeding that he thought illegal and violent.

his
(Signed) JAMES ✕ GOLDEN.
Mark.

Sworn before me, this 20th
day of September, 1815, at
Montreal,
(Signed) A. N. Macleod,
J. P. I. T.

No. XII.

William Wallace's Affidavit.

Personally came and appeared before me, Archibald Norman Macleod, Esquire, one of the Justices of our Lord the King, duly appointed for the Indian Territory—William Wallace, late of Scotland, now at Montreal, deposeth and saith, That this Deponent came out from Scotland in the Year One Thousand Eight Hundred and Eleven, under an engagement for three years, with Miles M'Donell, as a labourer, to assist in establishing a Colony on the Red River: the first year he worked at Seal's Creek, near York Factory; the next year this Deponent went up to the Red River, with Miles M'Donell and about twenty other persons; that a Settlement was made there; that the North-West Company had a Settlement called a Fort, near Miles M'Donell's Settlement; that the Servants and Settlers of the Hudson's Bay Company were encouraged, and received succours and help from the servants of the North-West Company; and that the first winter they were there, this Deponent thinks they must have starved, if the servants of the North-West Company had not supplied them with provisions; that the North-West Company always continued to be friendly to Miles M'Donell's people or Settlers, until Miles M'Donell, John Spencer, and Michael M'Donell and others, took provisions by force from the North-West Company; that this Deponent remonstrated with the said Miles M'Donell, and refused to take up arms against the North-West Company: Miles M'Donell said there was no law in the country but the law of the strongest, and that he could not get on without that being the case; that in the spring of the Year One Thousand Eight Hundred and Fourteen, he was ordered by Peter Fidler (one of Miles M'Donell's officers) to take up arms, which arms were to be employed against the North-West Company; that upon his refusing to do any such thing, he was threatened by him (Mr. Peter Fidler) to be flogged, and to have his wages stopped; that Miles M'Donell had said, those who might be wounded or maimed in any manner, in a skirmish or action with the said North-West Company, would receive a pension; that all those who would take up arms against the said Company, would, as Miles M'Donell had said, receive three pounds, Halifax currency; that this Deponent not being inclined to take up arms, or to be a party in hostilities, or using force against the North-West Company, last spring left the service of the said Hudson's Bay Company; that before he left Miles M'Donell, he saw him cause one John Funning to be tied to a tree, and his, Miles M'Donell's servant, ordered to beat him with rods; that Miles M'Donell was present, and scolded his servant for not striking him hard enough; took the rod out of his servant's hand, and beat the said John Funning himself, most unmercifully; that in June One Thousand Eight Hundred and Fourteen, a party of Miles M'Donell's men were sent out, and brought back a quantity of provisions, pemican, which had been taken from the North-West Company; that when it was brought down to Miles M'Donell's Fort, this Deponent helped to carry it up into Miles M'Donell's stores; he this Deponent heard Miles M'Donell remark, it was a good beginning, and that in a little time he would drive the North-West Company out of the River; that in summer of the Year One Thousand Eight Hundred and Fourteen, he was witness to Miles M'Donell bringing a party of armed men and a field-piece to the river side, in order to stop any canoe passing, that belonged to the North-West Company; that he saw two canoes stopt (the property of the North-West Company), the men taken prisoners, and a case of guns taken from said canoes, and deposited in the store, by Miles M'Donell's orders.

(Signed) WILLIAM WALLACE.

Sworn before me, at Montreal,
this 20th day of September,
1815,

(Signed) A. N. Macleod,
J. P. I. T.

No. XIII.

Speech of the GRANDES OREILLES, *a great Chief of the Chipeways, made in the Indian Hall, at the Forks of Red River, the* 19*th June,* 1814; *addressed to several of the Partners of the North-West Company. The Chief holding a String of Wampum in his hands, tied at both ends, proceeded thus:*

Traders, my Children, when I first heard of the troubles you were in at this place, my heart became sorry, and the tears ran down my cheeks. I found, however, there was no time to indulge in grief, no time to be lost. Our Traders, our Friends, the Protectors of our Children, were surrounded with dangers; I gave the call of war, and you see before you proofs that my voice was not exerted in vain; my young men have listened to it.

I find that you as well as the Indians are surrounded with difficulties and dangers. *We* are placed as if all were encircled within the ring of beads which I hold in my hands. *We* have the Sioux to oppose from above, and now it appears that we have to contend with *Landworkers* from below.

What are these Landworkers? *What* brought them here? *Who* gave them *our* lands? and how do they dare to prevent our Traders from purchasing whatever we have to give them, upon our own lands? But it would appear that these Strangers, these makers of gardens, look upon themselves as the real possessors of these lands, and presuming on this extraordinary right, would wish to prevent you from returning here, by depriving you of your stock of provisions *traded on this River,* in hopes thereby to drive you from the country, and make slaves of the Indians when deprived of their Friends and Protectors. As for them, we can never look on them as such.

Last summer I was called upon by you to go with my young men to Fort William, in order to give assistance against the Americans; I listened to the call, and proceeded towards your great Lodge; but when we reached it, I found that our assistance was not required. I however left my war club in the Hall, in case I might again be called upon. I then could not have thought that I should ever have occasion for my club to serve against the Whites on these lands; and white people too, coming from the same lands with yourselves! and all of you, as well as the Indians, obeying the same Great Father. But we see that the Landworkers are unreasonable; that they are determined to impose upon us and upon you. We are therefore equally determined to break down whatever barriers they may set up against us, or against you. My young men are equally determined with myself: it is our wish, it is our interest, to preserve you amongst us at the risk of our lives; for if you leave us, who will have pity on our women and children?

You say, however, that for the present, you have come to an understanding with these people, that you have carried your point with them. I am glad of it: I thank the Master of Life, that my string of beads will not be stained with the blood of Whites residing on these lands. I should always wish to see you at peace. I would love you all, was it possible; but my heart and my life is at the service of those who have charge of the bones of my Father* and my Brother; and if you cannot live in peace, and that these Landworkers will not allow you to trade with us as usual, they shall be destroyed, or driven out of the Assiniboine River.

To conlude what I had to say; I already see a great change. When we were accustomed to encamp round the Forts of our Traders on this river, our Children used to be fed with pounded meat and with grease; but this spring, hunger and starvation forced us to leave the Fort much sooner than I intended; for my wish was to remain until the black clouds which appeared hanging over the Fort were dispelled.

Some of you, my Children, thought perhaps then, that I wished to get out of the way. But no; I had no such intentions: seeing that you had not a mouthful of provisions, even for your young men, I was forced to go and seek something for my Children. It was not the sound of bad birds that drove me away; my readiness in appearing here to support your cause, ought to be a proof of my attachment to my Traders and to my Children.

These are my words, and I have not two mouths.

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* The bones of Netam, the Great Chief, Father of the Speaker, are preserved on a scaffold at Fort William, and his Son's bones in the same manner at Lac la Pluie. There is always a flag placed over them by the Company, as a mark of distinction, and respect for the memory of the dead Chiefs.

No. XIV.

Resolutions of the Hudson's Bay Company.

Hudson's Bay House, 19*th May*, 1815.

At a General Court held this day, of the Governor and Company of Adventurers of England trading to Hudson's Bay, for the purpose of taking into consideration an Ordinance for the more effectual administration of Justice in the Company's Territories, pursuant to a notice of the same, advertised in the London Gazette on Saturday the 13th instant, the following Resolutions were submitted to the Proprietors, and passed in the affirmative, viz.

First, That there shall be appointed a Governor-in-Chief and Council, who shall have paramount authority over the whole of the Company's Territories in Hudson's Bay.

Secondly, That the Governor, with any two of his Council, shall be competent to form a Council for the administration of Justice, and the exercise of the power vested in them by Charter.

Thirdly, That the Governor of Ossiniboia and the Governor of Moose, within their respective districts, and with any two of their respective Councils, shall have the same power; but their power shall be suspended while the Governor-in-Chief is actually present for judicial purposes.

Fourthly, That a Sheriff shall be appointed for each of the districts of Ossiniboia and Moose, and one for the remainder of the Company's Territories, for the execution of all such process as shall be directed to them according to law.

Fifthly, That in case of death or absence of any Councillor or Sheriff, the Governor-in-Chief shall appoint a person to do the duty of the office, till the pleasure of the Company be known.

Extracted from the Minute Book of the said Company by

ALEXANDER LEAN, Secretary,

9th June, 1815.

No. XV.

John Siveright's Affidavit.

Province of Lower Canada,
District of Montreal.

John Siveright, late of the Red River, in the Indian or North-West Country, in North America, Gentleman, maketh oath and saith, that he this Deponent, in and previous to the month of March last, was a Clerk in the service of the North-West Company, in the said Indian Territory; that on the seventeenth day of March last past, Duncan Cameron, a Partner in the said North-West Company, was residing in a Fort or Establishment belonging to the said North-West Company, called Fort Gibraltar, situated at the Forks of the Red River aforesaid; that the said Duncan Cameron had the charge of the said Fort, and of the persons in the service of the North-West Company residing in the said Fort; that between the hours of seven and eight o'clock in the evening of the said seventeenth day of March last past, the said Deponent, one Seraphim La Marre, a Clerk in the service of the North-West Company, and one Joseph l'Aurent, were in the apartment of the said Duncan Cameron in the said Fort, with the said Duncan Cameron; that they were surprized and alarmed by the entry of a party of men headed by one Colin Robertson, a person in the service of the Hudson's Bay Company, or of the Earl of Selkirk; that the Deponent distinguished one Alexander M'Lean, John P. Bourke, Michel Hayden, Martin Jordan, and several other persons in the service of the said Hudson's Bay Company, or of the Earl of Selkirk; that the said Colin Robertson was the leader of the said party; that the said Colin Robertson had a drawn sword in his hand; that the said Alexander M'Lean and the said John P. Bourke, had drawn swords and pistols in their hands, and that the other men of the party were armed with guns and fixed bayonets, and pistols in their belts; that the said Colin Robertson, on coming in the said rooms, went up to the said Duncan Cameron and collared him, saying, "I am a man, and will no longer be imposed on," and laid hold of the said Duncan Cameron's sword, which was hanging up against the wall; and the other persons of the said party took the guns and pistols of the said Duncan

Cameron; that the said Duncan Cameron asked the said Colin Robertson the meaning of his conduct; to which the said Colin Robertson replied, "You will know by and bye;" that the said Colin Robertson then left the said apartment, and on going out, addressing himself to the said John P. Bourke, and the said Alexander M'Lean, said, "Captain M'Lean and Ensign Bourke, I deliver you the prisoners in charge—you will confine them all in the same room;" that the said John P. Bourke then came up to the Deponent, and put a pistol to his head, and addressing this Deponent, said, "You damned rascal, I have a mind to blow your brains out;" when one of the party laid hold of the said John P. Bourke's arm, and said, "Mr. Bourke, you are not to shoot any one here;" that the said Deponent was, in consequence of the behaviour of the said Colin Robertson, Alexander M'Lean, John P. Bourke, and the other persons with them, put in fear of his life; that the said John P. Bourke then proceeded to collect all the papers and letters of the said Duncan Cameron lying on the table, and those in the desk, and put them in a box or chest, and gave them to one of the said party, who took them off; that an armed guard was placed in the room over the said Duncan Cameron and the Deponent, for about three hours, keeping them close prisoners in the said room; that Deponent then obtained permission from the said Alexander M'Lean to go into the hall or outer room, and went from the said room by permission into a room in the same house, where the said Seraphim La Marre was kept prisoner by the said party; that the Deponent, on going into the last mentioned room, asked the said Colin Robertson what his intentions were, and if he meant to keep them all prisoners? To which the said Robertson replied, he would give him an answer next day; that an armed guard was kept all night in the said hall or outer room, to prevent the said Duncan Cameron, the said La Marre, and this Deponent, leaving their rooms; that on the following day the said Colin Robertson informed this Deponent he was going to send off three men to intercept the North-West Express, which was then daily expected at the said Fort, and requested this Deponent to propose to the said Duncan Cameron, who was still a prisoner, that if he the said Cameron would promise not to take any means to prevent the express coming in, that he the said Robertson would only open the letters addressed to the said Cameron, and would allow the remainder of the letters to proceed; that the said Deponent made the proposal to the said Cameron, who assented to it, telling this Deponent, that as it was in the power of the said Robertson to take the whole of the letters, and as they were of great consequence to the North-West Company, it was better to consent to it; that this Deponent, on the day last mentioned, asked the said Robertson, by Cameron's request, to give up the Fort, and allow the trade to be carried on; that the said Robertson refused, saying that it was the Key of the Red River, and he was determined to keep it at all events; that on the same day, the eighteenth, and on the nineteenth day of March last, the said Robertson caused a quantity of small arms and pieces of cannon to be brought into the Fort, and deposited in the store; that two men arrived in the afternoon of the nineteenth of March aforesaid, with the North-West Express, who were immediately put into a room, and an armed guard put over them; the letters were then taken to the quarters of the said Robertson, and this Deponent was conducted by two armed men to Robertson's quarters, by the orders of the said Robertson; that the said Robertson opened the packet containing the said letters in the presence of this Deponent, and the Deponent saw the said Robertson break open six letters or more, addressed to the said Cameron, one letter addressed to John Dugald Cameron, and one letter addressed to the said La Marre; and the said Robertson kept all the letters, about one hundred (excepting three letters addressed to this Deponent); that this Deponent, on the following day, obtained leave to go out of the Fort, and went to Qu'appelle Fort, an establishment of the said North-West Company about one hundred leagues distant from Fort Gibraltar; that Alexander M'Donell, one of the Partners of the said North-West Company, who commanded at the said Qu'appelle Fort, wrote a letter to the said Robertson, which the Deponent read, desiring the said Robertson to give up the said Fort Gibraltar, and to leave it in the state in which he had taken it; that this Deponent took the said letter and went to the said Robertson, and delivered it to him; that this Deponent, on or about the tenth day of April last past, left the said Fort Gibraltar, at which time the said Cameron was still kept prisoner by the said Robertson; that when this Deponent passed the Forks of the said Red River this spring, the said Fort Gibraltar was demolished, and no part of it remained standing but the chimnies; and this Deponent saw the principal part of the wood and timber of the the said Fort putting up as a Fort round the Settlement of the Earl of Selkirk, or Hudson's Bay Company, at Red

River aforesaid; that this Deponent was informed, and verily believes, that the Furs belonging to the North-West Company, which were in the Fort Gibraltar aforesaid at the time the said Robertson took possession of it, were taken down to Hudson's Bay, by the Agents of the said Earl of Selkirk, or of the Hudson's Bay Company, and that the said Furs were of the value of Eight Hundred Pounds currency, or thereabouts; that this Deponent was also informed, and verily believes, that the said Cameron was sent down to Hudson's Bay by the orders of the Agents of Hudson's Bay Company, or of the said Earl of Selkirk.

JOHN SIVERIGHT.

Sworn at the City of Montreal,
in the said District, this
30th day of August, 1816,
before me,

Fs. Rolland.
J. P.

No. XVI.

François Taupier's Affidavit.

District de Montrèal.

François Taupier, de Ste. Theresa, dans le District de Montrèal, laboureur, ayant prété serment, depose et dit, que dans le mois de Mars dernier il ètoit dans le pays haut ou pays sauvage, dans un Fort appartenant à la Compagnie du Nord-Ouest, situè sur *les Fourches de la Riviere Rouge*, appelé *Fort Gibraltar;* qu'il ètoit dans une petite maison en dedans du dit Fort, et au service de Duncan Cameron, un des Associés de la dite Compagnie; que vers les sept ou huit heures du soir il entendit beaucoup du bruit dans le dit Fort, qu'il a sorti de la maison sus dite, et a l'entré dans l'appartement du dit Cameron en une maison dans l'enceinte du dit Fort; qu'en y entrant il apperçut un nommé Bourke, et un nommé M'Lean armès de sabres et de pistolets, menaçant le dit Cameron et lui presentant leurs pistolets. Qu'il y avoit d'autres personnes armèes dans le dit

Fort, qui ètoient de la partie d'un nommé Robertson, et qui y sont venus avec lui. Que le dit Bourke, et dit M'Lean, et les autres personnes armèes sont entrès dans le dit Fort, sous le commandement du dit Robertson, un des Agents de la Societè de la Baie d'Hudson; qu'il a entendu dire, et qu'il croit, que le dit Bourke, s'appelle John P. Bourke, le dit M'Lean, Alexander M'Lean, et le dit Robertson, Colin Robertson; que les dites personnes armèes qui ètoient dans l'appartement sus dit, ont contraint le Deposant de sortir du dit appartement; que le Deposant alors entra dans la dite petite maison d'ou il sortoit, et qu' après qu'il y est entrè le dit Bourke entra dans l'appartement ou le dit Deposant etoit, menaçant le Deposant et lui presentant son pistolet; que lui le Deposant en consequence de la conduite du dit Bourke et des autres personnes avec lui, craignoit pour sa vie; que le nommè Branconnier, une des personnes au service du dit Cameron fut blessè au bras par un coup de bayonette infligè (à ce que le Deposant croit) par une personne sous le commandement du dit Robertson; que le Deposant et les autres personnes au service du Nord-Ouest dans le dit Fort ont ètè fait prisonniers, et detenues contre leur volontè, dans le dit Fort, quatre ou cinq jours par les dits Robertson, Bourke, et M'Lean, et les personnes avec eux; que le dit Cameron resta prisonnier depuis le temps que le dit Robertson est entrè dans le Fort, jusqu'à ce que le Deposant soit parti du dit Fort environ cinq jours après, et qu'il ètoit encore alors prisonnier—Que le dit Robertson a pris possession de tout ce qu'il y avoit dans le dit Fort, appartenant à la Compagnie du Nord-Ouest, et de leurs marchandises, d'environ trente paquets de pelleteries de la valeur de mille francs chaque, de leurs armes et ammunitions, et de la plus grande partie de leurs vivres. Que quand le Deposant est passé aux fourches de la Riviere Rouge ce printemps, le dit Fort Gibraltar ètoit dèmoli; que plusieurs personnes au service de la Societè de la Baie d'Hudson ont informè le dit Deposant, que le dit Fort avoit ètè demoli par les gens de la dite Societè de la Baie d'Hudson.

Sworn at the City of Montreal, in the said District, this 14th day of September, 1816, before me,

Fs. Rolland.
J. P.

No. XVII.

Joseph Jourdains' Affidavit.

Ce jour d'hui le huitieme d'Août de l'an mil huit cens seize, au Fort William, dans le district de Kaministiguiâ, devant moi William M'Gillivray, l'un des Juges de Paix de sa Majesté pour les Territoires Indiens, comparut personnellement Joseph Jourdains, de la Noré dans la Province du Bas Canada, un des Serviteurs de la Compagnie du Nord-Ouest, qui, après avoir preté serment sur les Saint Evangiles, Depose; que dans l'automne de l'an mil huit cens quinze, Mr. Duncan Cameron, le dépècha des Fourches de la Riviere Rouge pour aller passer l'hiver à *la Riviere au Pembina*, que le nommé Bostonnois Pangman avait en charge; qu' environ au vingt de Mars dernier, à peu près à neuf heures du soir, sept hommes armées de sabres, fusils, et bayonettes, se presenterent devant sa maison, et enfoncant la porte se jetterent dedans; que le Deposant étant couché, et que les assailans le menacerent de lui bruler les cervelles, s'il osoit bouger, le nommé Rogers fut à la tete de la troupe, et tint son pistolet tandé; qu ils dirent au Deposant qu'ils ètoient venus pour s emparer de Bostonnois Pangman, d Alexander Fraser, et de Charles Hesse, qui ètaient les commis, et pour emporter toutes les armes et ammunition; que le Deposant se rendit immediatement après à la maison de Bostonnois Pangman, à la distance d'environ quatre vingt pieds, et qu'en entrant, il trouva John Pritchard, Alex. Macdonell, M'Leod, et plusieurs autres, tous armés, avec les dits Bostonnois, Fraser, et Hesse, qui avoient été desarmés et faits prisonniers; que John Pritchard et Alex. Macdonell forcerent Bostonnois de leur remettre la clef du magazin, ce qu'il fit; qu' immediatement après ils emporterent un baril de poudre, un sac de bal de plomb, de quatre-vingt livres de poids environ, et toutes les armes appartenantes à la Compagnie du Nord-Ouest, et a leur serviteurs; qu'ensuite ils emmenerent prisonniers les dits Bostonnois, Fraser, et Hesse, et les enfermerent dans l ur Fort à la distance d'environ deux cens perches, d'où il furent envoyés trois jours après aux Fourches, de concert avec un Métif nommé Cantonnois, qui fut fait prisonnier pareillement.

Que cinq ou six jours après l'attaque sus dite, le dit John Pritchard, et le dit Alexander Macdonell, avec une bande de leur gens, tant Colonistes que serviteurs le la Compagnie de la Baie de Hudson, se rendirent au magazin et emporterent toutes les marchandises, pelleteries et effets ; que le Deposant et les autres gens de la Compagnie du Nord-Ouest étant informés que le Fort et toutes les provisions aux Fourche avoient été saisies, furent obligés de se rendre dans les plaines pour aller trouver de la nourriture.

Qu'au mois de Mai suivant, le Deposant descendit la Riviere j'usqu' aux Fourches, et vit alors Mr. Duncan Cameron, qui fut embarqué comme prisonnier dans un batteau pour aller à la Baie de Hudson ; qu'il vit aussi mettre a bord les paquets de pelleteries qui'avoient été saisies aux deux postes des Fourches, et à *la Riviere au Pembina*, mais qu'il n'en sait pas le nombre ; que Mr. Duncan Cameron lui dit (au Deposant) qu'il y avoit eu trente trois paquets defaits dans le temps que la traité fut bouchée, et qu'il se rappelle parfaitement qu'il y avoit quatre à cinq paquets de pris à la Riviere au Pembina ; qu'aux Fourches, il vit les serviteurs de la Compagnie de la Baie de Hudson et les Colonistes raser le Fort de la Compagnie du Nord-Ouest, et faire descendre par le courant de la Riviere, tous le bois qui pourrait servir au Gouverneur Semple dans ses quartiers ; qu'après cela, il les vit mettre le feu aux débris ; que le Deposant resta aux Fourches avec les hommes libres, jusqu'à l'arrivè de Mons. Alexander M'Donell de la Compagnie du Nord-Ouest, avec les Batteaux de la *Riviere Qu'Appêle*.

(Copie.)

Sworn before me, at Fort William, Indian Territory, this Tenth day of August, One Thousand Eight Hundred and Sixteen,

(Signed) Wm. M'Gillivray,
J. P. I. T.

No. XVIII.

Jean Baptiste Gervais' Affidavit.

Ce jour d'hui le neuvieme d'Août de l'an mil huit cens seize, au Fort William, dans le district de Kaministiguiâ, devant moi William M'Gillivray, un des Juges de Paix de sa Majesté pour les Territoires Sauvages, comparut personellement Jean Baptiste Gervais, de Sorel, un des engagés au service de la Compagnie de Nord-Ouest, qui, après avoir preté serment sur les Saintes Evangiles, depose, qu'il a hiverné *aux Fourches de la Riviere Rouge* avec le Sieur Duncan Cameron, et qu' au mois d'Octobre dernier, ne se rappellant pas exactement du jour du mois, mais que ce fut un Dimanche, une bande armée de Colonistes de la Riviere Rouge, et de gens engagés au service de la Compagnie de la Baie de Hudson, ayant le nommé John Bourk et M'Lean à leur tete, entrerent de force le Fort de la Compagnie de Nord-Ouest, et que lui et tous les Canadiens au Fort furent faits prisonniers; qu'il ne se resouvient pas exactement du nombre des assailans, mais qu'ils etoient plus de douze, et armés de fusils, et de bayonettes; qu'en entrant le Fort, ils emmenerent avec eux le Sieur Seraphim La Mar, qui avoit deja été fait prisonnier d'avance; et que le Deposant fut instruit que les Sieurs Duncan Cameron et Charles Hesse, en faisant un tour à cheval dans les prairies, avoient été faits prisonniers de même, par le dit John Bourk, M'Lean, et autres de la Colonie, et conduits dans le Fort de la Baye de Hudson, dont le nommé Colin Robertson fut le chef; et qu'ils avoient amenés avec eux le dit Seraphim La Mar, après de leur delivrer les clefs des magazins; que le Deposant lui vit leur remettre; que la Bande proceda ensuite au desarmement de tous les Canadiens qui avoient des fusils, et qu 'ils rassemblerent toutes les armes, et de toute description, qui se trouvoient dans les magazins et dans les maisons, et les emporterent avec eux dans leur propre Fort; que le Deposant et tous les autres engagés de la Compagnie de Nord-Ouest, furent immediatement après ordonnés de preparer leurs Canots et de partir incessament, soit pour l'embouchure de la Riviere Ouinipique, ou pour la Riviere Blanche; que dans la soirée du meme jour, le Sieur Duncan Cameron fut conduit prisonnier dans son propre Fort, et enfermé dans sa chambre avec une sentinelle devant sa porte. Le Deposant sus dit depose ensuite que dans le mois de Mars dernier, ne se rappellant pas exactement du quantiéme, mais que ce fut un Dimanche au soir, une forte bande des Colonistes de Lord Selkirk, et des engagés de la Compagnie de la Baie de Hudson, armés de fusils, et de bayonettes, ayant Colin Robertson, John Bourk, et M'Lean à leur tete, entrerent le Fort de la Compagnie de Nord-Ouest par la petite porte, et prirent prisonniers le Sieur Cameron et tous les gens au Fort; qu'ensuite ils s'emparerent de toutes les marchandises, pelleteries, et provisions qui se trouvoient aux magazins, et en tinrent possession; que peu après, tous les engagés au services de la Compagnie du Nord-Ouest furent obligés de quitter le Fort, a l'exception du Deposant, qui, avec un autre homme, demeuroient avec le Sieur Cameron qui fut detenu prisonnier : et que le Deposant resta avec lui jusqu'au moment où le Sieur Cameron fut transporté à la Baie de Hudson; que depuis il resta avec Custain Bellange, homme libre, qui demeuroit tout proche du Fort : qu'il vit les paquets de pelleteries appartenant à la Compagnie de Nord-Ouest, et qui avoient été pris dans leur Fort, etre embarqués dans des canots, appartenant pareillement à la Compagnie du Nord-Ouest, et partir pour la Baie de Hudson; que le nombre des paquets etoit environ de quarante, et qu'il y avoit quatre canots, dont l'un étant carré fut laissé en arrière; qu' au mois de Juin dernier, il vit le Gouverneur Semple et sa troupe, aller a la poursuite des Métifs, qui avoient passé le Fort sans qu'il s'en fut apperçu, et n'en fut informé que lorsqu'il vit des Colonistes se mettre en marche, quand quelques uns des hommes libres lui dirent, "Nos gens sont passés, les Anglois ont donnés après." Qu'il vit les Colonistes et les gens de la Baie de Hudson, ayant John Bourk pour commandant, raser le Fort de la Compagnie de Nord-Ouest, emporter tous le bon bois, et le faire descendre en Cage dans la Riviere, et qu'après le feu fut mis aux débris.

(Copie.)

Sworn before me, at Fort William, Indian Territory, this Tenth day of August, One Thousand Eight Hundred and Sixteen,

(Signed) WM. M'GILLIVRAY,
J. P. I. T.

No. XIX.

Second Affidavit of John Siveright.

District of Montreal.

John Siveright, late of the Red River, in the Interior or North-West Territory, Gentleman, deposeth and saith, That he is a Clerk in the service of the North-West Company; that on the ninth day of June last, the Deponent was at a place called Portage de la Prairie, on Red River aforesaid, and remained there until the twentieth day of June; that on the eighteenth day of the said month of June, Alexander M'Donell, one of the Partners of the said North-West Company, sent a party of about fifty men from the said Portage de la Prairie, with orders to proceed to a place about twelve miles below the Forks of the said Red River, and there to wait the arrival of the canoes and people of the North-West Company, who were expected from the North, and from Fort William; that the said Alexander M'Donell gave orders to the said party, in the presence of this Deponent, not to go near the Establishment or Colony of the Hudson's Bay Company, near the Forks of the said Red River, nor on any account to molest any of the Settlers; they were only to see if the communication of the river was free, and as soon as the canoes or people of the North-West Company should arrive from below, they were to send up notice; that the said party, had fifteen bags of pemican with them, for their own provision, and to supply the people of the North-West Company expected from below.

(Signed) JOHN SIVERIGHT.

Sworn at Montreal, the 13th September, 1816, before me,

(Signed) Fs. Rolland.
J. P.

No. XX.

Deposition of Lieutenants Charles Brumby, and John Theodore Misani.

District of Montreal.

Charles Brumby, Lieutenant in His Majesty's Regiment de Meuron, and John Theodore Misani, also Lieutenant in the same regiment, respectively depose and say, That in the beginning of May last, they left Montreal, in company with Messrs Alexander M'Kenzie, Archibald Norman M'Leod, and Robert Henry, on a journey to the Indian Territories in North America; that being arrived at the distance of about fifty miles from the Forks of the Red River, in the Indian Territories, on the twenty-third of June last, in the morning, they met a number of persons coming from that place, among whom were several of the Colonists of the Settlement of Lord Selkirk, who informed them that a battle had been fought between the Colonists and the half-breed Indians, at the distance of a mile and a half below the Fort or place of residence of Robert Semple, Esquire, Agent of the Hudson's Bay Company (called by them, Governor Semple) at the Forks of the Red River, and they understood this battle was fought on the nineteenth of the said month; that the Deponents proceeded till they reached the place where they understood that the said Robert Semple had a Post or Establishment, and there saw a number of Indians (called half-breeds) and other Indians assembled there; that the Deponents remained there but a few hours, and returned to *Riviere aux Morts,* situated at the distance of about fifty-four miles from the said Forks of the Red River, on their way back to Fort William; that on their arrival at *Riviere aux Morts,* they saw John M'Donald, who was arriving from his wintering grounds, and also Simon Fraser, who arrived in canoes; that these two persons could not have been coming from Red River, as these Deponents must have met them coming down the river on their way to Red River, if they had come by water from that quarter; and that the said John M'Donald gave these Deponents directions to take some of his provisions, on their return to Fort William, at a place which he pointed out to them; that they also met at the same place, John M'Laughlin, whom they had left at Fort William when they passed it; that they met John M'Gillivray in Lake Winipic on the twenty-seventh day of the said month, as they were going to Fort William, coming, as it appeared to these Deponents, and as he informed them, from his wintering quarters; that the several persons above named, appeared to these Deponents to be entirely ignorant of what had taken place at the Forks of the Red River on the nineteenth of the said month of June; and these Deponents verily believe, that they were not, and could not have been at that place at the time; that these Deponents were informed that the persons concerned in the North-West Trade, generally received their provisions at a place called *Le bas de la Riviere,* that is, the entry of the River Winipic, and that the reason of several of them going up the river as far as the *Riviere aux Morts,* was their disappointment in not receiving their provisions at the usual place; that when these Deponents left Montreal, on the first or second of May last, they saw Mr. William M'Gillivray at that place, and they found him at Fort William on their return from the Red River, where they arrived on the tenth of July last; that on the thirteeenth day of August, the Deponents being at Fort William, saw two of the boats that had come the preceding day with a party of men under the Earl of Selkirk; that these two boats were full of soldiers; that Captain D'Orsonnens was in the first boat, and Lieutenant Fauche in the second; that on their landing near the gate of the Fort, a person of the name of M'Nabb, and another person of the name of Allen, both of whom had come in the said boats, approached the gate of the said Fort with Captain D'Orsonnens, who was armed with a sword and pistol, and there spoke to several of the Partners of the North-West Company, who stood at the gate; that some words passed between them, and these Deponents heard some of the North-West Company (as they verily believe) say, "Yes, but we cannot admit so many people in the Fort at once." That one half of the gate was then shut partly. That immediately on uttering the above-mentioned words, Captain D'Orsonnens called to the men in the boats, "*en avant, aux armes, vites!*" upon which the men in the boats jumped out, and, with musquets and fixed bayonets, rushed into the Fort, a bugle at the same time sounding the advance; that a number of the men (voyageurs) in the service of the North-West Company, who stood near the gate, ran towards their encampment; that these Deponents observed several of the soldiers dragging Mr. John M'Donald towards the boats, swearing at him, and using violence, and heard him cry out, "Don't murder me." That these Deponents entered the Fort, where they saw Mr. Allen, and asked him the cause of such proceedings, who answered, that all would be soon explained, and that the person who had ordered these measures would answer for the consequences, or words to that effect; that a few minutes afterwards, Captain Matthey arrived with a reinforcement of soldiers, which the Deponents conceived to have been called for by the sound of the bugle; that there were two pieces of cannon in the Fort, which the soldiers planted in the square, and pointed at the gate, and this armed party was immediately in possession of the Fort, as no resistance whatever was offered to them; that the Deponents did not see any of the persons in the Fort armed at the time it was so taken possession of by the said armed party; that on the same day, the Partners of the North-West Company who were in the Fort, nine in number, were arrested, and the Deponents saw several of them conducted as prisoners out of the Fort with a guard, and they returned about eight o'clock in the evening, and the next day they were put in close confinement, with sentries over them; that in the evening of the thirteenth the troops were marched out of the Fort, after having been assembled in the square by the sound of the bugle, with the exception of twenty men under the command of Lieutenant de Graffenreid, who remained in the Fort as a guard for the night; that sentries were posted in several places, and the place had the appearance of a military post; that the next morning Captain Matthey returned to the Fort with a number of armed soldiers, and told Mr. William M'Gillivray on his arrival, that he had brought a reinforcement, as they understood that the Gentlemen who had been arrested the preceding day, instead of confining themselves to their own rooms, had been going about, and that arms had been preparing, or words to that effect; that a short time after, the Earl of Selkirk made his entrance into the Fort, accompanied by his body-guard, and from that moment the Earl of Selkirk appeared to take the command; and some days after, he took his quarters in a house formerly occupied by the Gentlemen of the North-West Company; and some of his people were also quartered in other apartments and buildings within the Fort; that the Deponents also understood, that on the following days, the Books and Papers of the North-West Company had been seized and searched, and saw, at one time, Mr. Allen, Mr. M'Nabb, Mr. M'Pherson, and Captain D'Orsonnens, searching for Papers, and sealing up trunks in different rooms; the Deponents also saw some of the soldiers employed in making gun-carriages in a work-shop formerly used by the Carpenters and men of the North-West Company; that on the twenty-second day of the same month of August, a canoe arrived from Montreal with Dispatches for the North-West Company; that the Papers or Dispatches the men brought were taken from them, and the canoe searched; that some of the things in it were placed in charge of a soldier of the Thirty-seventh Regiment, one of the body-guard of the said Earl of Selkirk; that it appeared to these Deponents, that from the time of the taking of the Fort, as above-mentioned, until the time the Deponents left it, the trade and business of the North-West Company was entirely stopped; that the Deponents understood the North-West Company were not allowed to send any Goods or Furs out of the Fort, nor could they employ the men in their service, some of whom were destined to go into the interior of the country with goods and ammunition for the Natives, and to supply their different trading posts; others to go down to Montreal with Furs, and other articles for exportation, as the Deponents understood.

CHARLES BRUMBY, Lieut.
THEODORE MISANI, Lieut.

Sworn at Montreal, the
16th of Sept. 1816.

No. XXI.

Robert M'Robb's Affidavit.

District of Montreal.

Robert M'Robb, of Montreal, in the said district, Gentleman, being duly sworn, deposeth and saith, That he is a Clerk in the employ of the North-West Company, and was at Fort William, in the Indian Territories in North America, all the month of August last, and up to the third day of the present month; that on the twelfth day of last month the Earl of Selkirk, with an armed party, passed the Fort, and encamped at the distance of about half a mile above the Fort, on the opposite side of the river; that the next day this Deponent saw the men composing the above party, cleaning and preparing their muskets, and landing pieces of artillery from their boats; that the same day, thirteenth, in the afternoon, this Deponent was at the gate of the Fort, when two boats arrived near the Fort, full of armed soldiers; that a person called Dr. Allen, John M'Nabb, Donald M'Pherson, and Capt. P. D. D'Orsonnens and Lieut. Gaspard Adolph Fauche, these two latter formerly Officers in the De Meuron Regiment, and several other persons, came up to the gate of the Fort, and were about entering it, when Mr. John M'Donald, a Partner of the North-West Company, who stood there at the time, told these persons, that they could not enter so many people at one time, without shewing their authority; that upon this, one of the above-named Officers called to the soldiers in the boats, "*aux armes!*" that the bugle sounded, and the men rushed in the Fort with fixed bayonets; that this Deponent observed the above-named Capt. D'Orsonnens had a sword or sabre at his side, and pistols about him, and that the said Lieut. Fauche had a gun or fusil in his hand at the time they so forcibly entered the Fort with this armed party; that presently after, when in the Fort, this Deponent saw Capt. D'Orsonnens and several others of the soldiers about Mr. John M'Donald: Capt. D'Orsonnens had hold of him by the collar, one of the soldiers held a pistol to his head; Capt. D'Orsonnens ordered him to be dragged out of the Fort; that this Deponent then heard the said John M'Donald say, that he would not go unless they produced their authority; that this armed party was distributed in the Fort, and took possession of every thing in it belonging to the North-West Company, and from that moment, the Fort was completely in the power of the Earl of Selkirk and his armed force, and was still so when this Deponent left the place, on the third day of September instant; that the Gentlemen, Partners in the Company, being arrested, the Clerks were not allowed to communicate with them, and the business of the Company was entirely at a stand; the canoes had been ordered into the Fort, and no goods for the Interior, nor Furs and other articles of trade were allowed to be taken out of the Fort; that on the second of this month, this Deponent understood that Mr. M'Tavish, one of the Clerks of the Company, was called upon by the Earl of Selkirk for the purpose of letting him see the provision-store; that Mr. Landreaux, another Clerk of the Company, was sent with his Lordship, with the keys of the store, and opened the doors, and that when his Lordship had entered the store, he told Mr Landreaux he would keep the keys, and took them from him, saying that application must be made for provisions to Capt. Matthey; and that he had before told Mr. M'Tawish, that all the property was distrained; that when this Deponent left the Fort the next day, he understood that the keys of the provision-store were still in the possession of the Earl of Selkirk; that this Deponent has also a knowledge, that some days before, the Earl of Selkirk had given orders that a number of the men *(engagés voyageurs)* in the service of the North-West Company, should conduct his canoes in the interior, *and heard his Lordship tell Mr. M'Tavish, that he must not dissuade the men*, and that if he did, *it would be at his peril; and that he was informed by the men, that they were commanded in the name of Government;* and this Deponent hath hereunto signed his name.

(Signed) ROBERT M'ROBB.

Sworn at Montreal, the 21st
Sept. 1816, before me,

(Signed) ROD. M'KENZIE,
J. P. and Civil Magistrate for Indian Territories.

No. XXII.

Robert Cowie's Affidavit.

ROBERT COWIE, now at Montreal, Gentleman, duly sworn, deposeth and saith, That he is a Clerk to the North-West Company; that last spring he went up to Fort William with the Honourable William M'Gillivray, and his other employers; that he was at Fort William on the thirteenth day of August, when the Earl of Selkirk, assisted with a large force of soldiers and armed men, by force and violence took the said William M'Gillivray and other Partners of the North-West Company prisoners, and after, possession of the said Fort and Establishment there; that the said William M'Gillivray and other Partners were sent off prisoners under a military escort; that this Deponent and some other Clerks, and about two hundred men, servants and engages of the North-West Company, remained at Fort William, seventy of whom were engaged to go into the interior; that soon after the said William M'Gillivray and his Partners had been so sent off, the said Earl of Selkirk and his servants were using every endeavour to debauch the men of the North-West Company, and get them into his service; that on the twenty-ninth day of August the said Earl of Selkirk brought some goods of his into the Stores of the North-West Company at Fort William; that this Deponent, and three other Clerks, advised the said men of the said North-West Company, not to break their solemn engagements with the North-West Company, or suffer themselves to be debauched, as was attempted; that as soon as this came to the knowledge of the said Earl Selkirk, he ordered a subpœna to be served upon this Deponent and the other three Clerks, to appear at York, in Upper Canada, to give evidence on a certain accusation against "the Honourable William M'Gillivray, for conspiracy;" that the said subpœna was served upon this Deponent and the other Clerks on the second day of September instant, and this Deponent and the others were ordered to leave Fort William in half an hour for York; that they left Fort William in the course of the next day.

That the said Earl of Selkirk never examined this Deponent, or enquired of him if he knew of any fact or circumstance respecting any charge whatever against Mr, William M'Gillivray or otherwise; and the fact is, that this Deponent does not know any fact or circumstance relative to the matter for which he was subpœnaed by the said Earl of Selkirk; and this Deponent verily believes, that the said Earl of Selkirk made use of his office of Justice, to send him, this Deponent, and three other Clerks of the North-West Company away from Fort William, because they had advised the men not to depart from their engagements, or suffer themselves to be debauched from their bounden duty; that the day before this Deponent left Fort William, he, the said Earl of Selkirk, had taken possession of the keys of all the provisions of the North-West Company in the said Fort, and had given orders that none were to be taken out but by the order, or through the medium of Captain Matthey, late of the De Meuron Regiment; and this Deponent verily believes, that this act of violence on the part of the said Earl of Selkirk, was done, the more effectually to get all the men of the North-West Company at Fort William aforesaid into his power and service, in order to assist him in his ulterior proceeding.

(Signed) ROBERT COWIE.

Sworn at Montreal, the 21st
day of September, 1816,
before me,

(Signed) Rod. M'Kenzie,
J. P. and Civil Magistrate for Indian Territories.

No. XXIII.

To the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for War and Colonies.

The Memorial and Petition of M'Tavish, Fraser, and Co., and Inglis, Ellice, and Co. of London, Merchants, on their own behalf, and on behalf of other Persons interested in the North-West Company of Fur Traders of Canada;

HUMBLY SHEWETH,

That the events of the late Campaign in Upper Canada, have entirely cut off all communication between the Lower Provinces and the Establishments of the North-West Company in the Interior of the Continent; and the Americans having obtained the temporary ascendancy on Lake Erie and Lake Huron, it will be impracticable to send up supplies of goods for the Trade, or the necessary subsistence for the persons conducting it, by the usual route from Montreal to Lake Superior.

That your Memorialists have now actually employed in their Service nearly *two thousand persons*, including Partners and Clerks, who are dispersed over the immense countries between Lake Superior and the Pacific Ocean, and engaged in the Fur Trade, with the different Indian Nations who inhabit these extensive regions: that your Memorialists have hitherto respected the supposed rights of the Hudson's Bay Company, by not opening through the Territories which they claim as their property under their Charter, the more direct and expeditious communication from Lake Winipic to Hudson's Bay, but have been contented for a long series of years to conduct their Trade through the Province of Canada, to their serious inconvenience and disadvantage. The route from Lake Winipic to Montreal, exceeding in distance 2500 miles, and requiring a period of 80 days to effect it, that to Hudson's Bay being only 500 miles, and affording in every respect greater facilities.

That the route through Hudson's Bay to the Trading Posts of your Memorialists in the interior, is now the only one through which they can establish a communication, and bring out their returns of the last year's trade; and they humbly beg leave to represent to your Lordship, that unless they shall be authorized by His Majesty's Government to transmit, through this route, the provisions for the subsistence of their people, and the supplies necessary for their trade, it must be entirely sacrificed during the war.

Although your Memorialists are advised, and have ever contended, that the rights of the Hudson's Bay Company are only nominal, and that those conferred by their Charter, supposing it to be legal, have become void, by their non-compliance with the terms required in it, still your Memorialists have hitherto been averse to enter into any discussions on the subject, further than to attempt a treaty with the Company to define their boundaries in the interior, founded on the rights of each party to the benefits of their own discoveries, but which was defeated by the claim set up by the Hudson's Bay Company, to the whole territory through which the different waters flowing into the Bay, passed in their course, and by the recent Grant in Fee Simple to the Earl of Selkirk, of a large tract of land in the interior for the purposes of colonization.

Your Memorialists have hitherto desisted from troubling His Majesty's Government on the subject of the Claims of the Hudson's Bay Company, being aware of the interpretations which would be put on such an interference, from the jealousy which may naturally be supposed, and actually does exist between two Trading Companies in rivalship with each other; but as there now appears an indispensible necessity that your Memorialists should be permitted to carry on their Trade through its natural channel, they beg leave to submit to the consideration of your Lordship, the necessity of some investigation into the rights of the Hudson's Bay Company, in order that they may be defined and ascertained. The Charter of the Hudson's Bay Company, if valid in all the privileges it is supposed to confer, would indeed be a singular monopoly in the annals of any country: in virtue of it, the Company claim a *perpetual* right to the exclusive Trade, Navigation, and Fisheries in the Bay, and the absolute property, to be disposed of by deed, under their Seal, of all the Countries bordering upon Hudson's Bay, and upon all the Rivers and Lakes communicating with it from the interior.

The conditions of this Grant by the Charter are, that they should colonize and settle the Bay, carry on the Fisheries, and make discoveries in the interior; instead of which, previous to the discoveries of your Memorialists, they contented themselves with trading such Furs as the Natives brought down to their settlements in the Bay, and have only attempted a communication with the interior, as the enterprise of your Memorialists made fresh discoveries, and the Servants of the Company tracing their route, have formed establishments after them. They have neither colonized the Territory of the Bay, nor carried on the Fisheries to any extent.

The Capital of this Company is undefined by their Charter, but your Memorialists believe it amounts to about 100,000*l.* Stock, which Stock has fluctuated, during the last twenty years, from 230 *a* 50 per cent., and during the last seven years the Directors have neither declared or made any dividend, or laid any statement of their affairs before their Proprietors; so that the value of the Stock must be now very trifling; and your Memorialists are informed, that the Grant to the Earl of Selkirk was made after the Earl had by himself or his connections, by purchases of Stock, obtained a preponderating influence in the direction. The Directors claim also a right from their Charter, when their Stock is insufficient for the purposes of their trade, to borrow loans by bond under their Seal, which under their present circumstances, may become highly prejudicial to such of His Majesty's subjects as might be tempted to advance money under the supposed authority of the Charter.

The predecessors of your Memorialists, who carried on the Fur Trade from Canada to the Countries West of Lake Superior, made their first establishments on that Lake succeeding those of the French Traders in the year 1761, the year after the conquest of Canada by His Majesty's arms, and gradually, as independent Traders, penetrated further into the interior, in every instance preceding the establishments of the Hudson's Bay Company, till the year 1779, when the different Traders, for their common safety in a country where they had no protection from their Government, entered into agreements, and united the Trade under the title of the North-West Company of Canada, and which has been continued by different coalitions of contending parties till the present time. The North-West Company has now extended its establishments to the shores of the Pacific, and have recently sent two vessels round Cape Horn, to connect those with the Trade to China, a trade hitherto carried on with avidity by the Americans. The Hudson's Bay Company have slowly followed their movements in the interior, but without the ability to profit by the Trade.

The Capital which your Memorialists employ in this Trade, is much more extensive than that of the Hudson's Bay Company: their returns have, ever since their establishment, four times exceeded those of that Company, and they have equally been obtained in barter for British Manufactures.

The North-West Company and the other British Traders in Canada, have been the great means of cementing our connections with the Indian Nations of the Continent, who are and have always been particularly attached to them. Under these circumstances, and the peculiar situation in which the War has placed them, your Memorialists have it in contemplation to send an Expedition from Quebec to Hudson's Bay, with the requisite supplies for their Traders in the interior, and they have applied to the Lords Commissioners of the Admiralty, for protection to their ships while in the Bay.

Your Memorialists have found themselves compelled by the unexpected events of the War, to submit their case to the consideration of your Lordship, and humbly hope for the protection of His Majesty's Government, in their endeavours to retain this valuable Trade to the Country; and they respectfully pray, should it be inconvenient to your Lordship to take these circumstances into your immediate consideration, that you will be pleased, in the mean time, to recommend to the Lords Commissioners of the Admiralty, to grant the Convoy requested, and to give instructions to the Captain of the Ship of War which may be ordered on this service, to protect the property of your Memorialists against any attempts on the part of the armed vessels of the Hudson's Bay Company, or others, to capture or detain it as a prize, or to obstruct their proceedings, under the alleged plea of infringing the Law, by a breach of the supposed Chartered Rights of the Hudson's Bay Company.

And your Memorialists will ever pray,

&c. &c. &c.

London, February, 1814.

No. XXIV.

London, 18*th March*, 1815.

Henry Goulburn, Esq.

SIR,

We have had the honour to receive your Letter of the 2d instant, addressed to the North-West Company, with the enclosed copies of a correspondence between Lord Selkirk and the Governor and Committee of the Hudson's Bay Company, and also the Statement of the Governor and Committee, relative to their grant of Lands to his Lordship, on the Assiniboin River in North America.

As Agents in this Country for the North-West Company of Montreal, we lose not a moment in requesting you will assure Lord Bathurst, that the motives imputed to them by Lord Selkirk, are utterly unfounded; and we are persuaded also, the members of that Company stationed in the interior of the North American Continent, feel too much for the miseries, already inflicted upon their unfortunate countrymen, the victims of his Lordship's visionary speculations, to add by any action of theirs, to the risk which those deluded emigrants undoubtedly run from the disputes which must arise between them and the Indians, and a jealousy the different Tribes have always entertained of any agricultural encroachments on their hunting grounds in the interior.

Lord Selkirk mistakes in his Letter, we are persuaded unintentionally, any expressions which may have fallen from us on the first publication of his schemes. We have at all times expressed our fears of the fate which he now seems to dread may await this Colony, and have not ceased to represent to him, and to the Hudson's Bay Company, both the impolicy and danger of attempting any settlement of this nature so remote from legal restraint, and adequate protection from the hostilities of the Indians; and we have always expressed it as our decided opinion, that it would not only be productive of ruin and danger to the Settlers, but to the valuable trade carried on by both parties: our experience of the effects of this intended settlement has not tended to remove, but on the contrary, to enforce these impressions; and the present application from his Lordship, but too strongly confirms the correctness of them. The conduct of the North-West Company's Traders, in supplying the Colonists, who must otherwise have starved during the winter of 1813, should have protected them from the accusations now brought against them, especially when grounded upon such authority as "a Letter *from a* Gentleman who had received information *from a* Canadian, "relative to the intrigues which were going on with the Indians." His Lordship gives the Traders some credit for attention to their interest, and he must surely be aware, that the Indian hatchet once raised, will not discriminate between a Settler and a Trader: their interests are firmly connected in this respect, and we only trust they may be enabled by their united endeavours to conciliate the Natives, and to ward off the danger with which his Lordship's indiscretion has threatened them.

We do not deny that this Colony is looked upon by the Canadian Traders generally as detrimental to their interests, from the reasons we have stated; and Lord Selkirk's connection with the Hudson's Bay Company (their rivals in this Trade, already involved in ruin, and apparently from the measures they are now taking, having solely in view the destruction also of the Canadian Trade), has not the effect of reconciling what he supposes their prejudices, as to his views and operations; and we are equally aware with his Lordship, of all the difficulties which arise from the conflicting jealousies of parties so far remote from the controul of justice. These jealousies existed previous to his Lordship's present undertaking, and to obviate them as far as practicable, His Majesty's Government proposed at our suggestion to the Legislature, the Act of the 43rd of the King, under which several Justices of Peace have been appointed, and we hope will be enabled to suppress, by apprehension and conviction of the Offenders in the Courts of Lower Canada, all acts of aggression on either side. In addition to this, we beg you will assure Lord Bathurst, that every advice and exertion in our power will be made use of to the same effect, and we will transmit copies of your communications to us on this subject to Canada by the earliest opportunity.

It becomes, however, distinctly necessary, that a similar conduct should be adopted on the part of the Hudson's Bay Company, and but little proof of that disposition is to be found in the Proclamation of Mr. Miles M'Donell, a person styling himself, by Lord Selkirk's authority, "Governor of Ossiniboia*," and who is really his Lordship's accredited Agent. A copy of this Proclamation is enclosed for

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* A word apparently coined from the name of the Assiniboin, or *Stone* Indians, who inhabit the country on the western branch of the Red River.

Lord Bathurst's information; and we can only add, that the authority assumed in it, has been exercised in all its parts against the North-West Traders, who, in consequence of strict injunctions to that effect, have submitted to it without resistance.

Although we have hitherto abstained from troubling His Majesty's Government on this subject, still we are too happy in the opportunity which your Letter, and the accompanying statement from the Hudson's Bay Company affords us, of laying before Lord Bathurst some information as to the origin and progress of the connection between Lord Selkirk and that Company; we take the liberty therefore of annexing to this Letter a Statement of Facts relative to the Colony; and as His Majesty's Government has called upon the North-West Company for a refutation of the accusations made against them by Lord Selkirk, we hope, as their Agents, we may be excused, if on their behalf we respectfully request to be informed, whether this authority assumed by Lord Selkirk and his Governor Mr. M'Donell, is at all recognized by His Majesty's Government; and if so, whether to the extent of the powers supposed to be vested in the Hudson's Bay Company by their obsolete Charter, and said to be transferred to his Lordship, with the grant of territory made to him?

We now consider both the Grant and the Authority illegal, and we shall be happy if, in the Statement submitted to you for the consideration of Lord Bathurst, sufficient information shall be found, to enable His Majesty's Government to come to an immediate decision on this subject.

We have only to add further, that for the last century the Canadian Traders have carried on a far more considerable Trade, and for the last thirty years, a Trade of six times the extent, and consequently in the same proportion more beneficial to this country, than the Hudson's Bay Company: they have explored and discovered all the countries between Lake Winipic and the Frozen Ocean, on one side, and the Pacific on the other: they have now Establishments on the shores of both Oceans, and with the return of Peace, they have been looking to the extension of their Trade. Their only obstacle seems to be this unfortunate and impracticable scheme of colonizing an uninhabitable territory, which will undoubtedly, sooner or later, throw the whole country into war and confusion, after a long period of tranquillity and peace. We beg to be understood as imputing no improper motives, in all we have stated, to Lord Selkirk. Our conviction is, that his Lordship as sincerely, as singularly, believes in the probability of ultimate success, and all we can expect from His Majesty's Government is, that if they should see it fit to sanction and encourage his Lordship's undertaking, they will take adequate measures to protect the Trade of His Majesty's Subjects against the consequences apprehended from it.

We have the Honour to be,

Sir,

Your most obedient Servants,

M'TAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXV.

(Copy.)

London, 29*th May*, 1815.

Henry Goulburn, Esq.

SIR,

With reference to the important subject on which we had the honour to address you on the 18th March, we again find ourselves under the necessity of drawing the attention of His Majesty's Government to the extraordinary Proceedings of the Earl of Selkirk and the Hudson's Bay Company, and particularly to the assumption of power attempted by Resolutions proposed to, and adopted by the General Court of Proprietors of that Company, on the 19th instant, of which we understand a copy has been transmitted to Earl Bathurst.

An apprehension of the dreadful consequences which can scarcely fail to attend the exercise of that power, induces us, as representing in this country the different Canadian Merchants interested in the Fur Trade from Montreal, to request you will lay before his Lordship the following Representation in their behalf.

The territorial rights of the Hudson's Bay Company have never been defined, and although they now claim as their exclusive property, all lands watered by rivers which in their course fall into the Bay, the greater part of the country which would be included in that description, was, previous to the partial occupancy, or even to the discovery of it by their traders or servants, in the actual possession of the then French Colonists in Canada (some part as early as the year 1727), and subsequently to the conquest of that country by Great Britain, has continued in possession of Canadian Traders who now occupy it, deriving their right uninterruptedly from their French predecessors by the formal cession of Canada in 1761. Four fifths of the whole trade arising from what is called the North-West Country, (the boundaries of which may be defined by Lake Superior to the South and East, the Mississippi and Mississouri Rivers to the South, the Rocky Mountains to the West, and Hudson's Bay and the Frozen Ocean to the North and East, and all which country would be included in the claim of the Hudson's Bay Company, as now contended for by them) has been for nearly a whole century carried on by Canadian Subjects; and in all instances where the Hudson's Bay Company have extended their establishments beyond the coasts of the Bay, it has been by following the discoveries of the Canadians in the interior, and forming posts where the others have preceded them. The only posts to which they can claim the right of original possession, are their establishments on the sea shores of the Bay; and these, if an investigation were to take place, it would be probably decided, are the only situations over which their exclusive privileges could be construed to extend.

Supposing, however, that the Company acquired by their Charter exclusive territorial and commercial rights in all countries which they claim to belong to them, and their definition of which is before stated; those rights and privileges must have long since virtually ceased by the disuse of that Charter, and by the non-fulfilment on the part of the Company of the terms on which it was originally granted; and the claims of Territorial Jurisdiction avowed in the Resolutions of the Court of Proprietors. would probably not now have been brought forward, had it not been for the circumstances already detailed in our Letter of 18th March.

But since the Earl of Selkirk's interference in the affairs of the Company, these dormant and obsolete rights have been scrutinized with the greatest industry, in order, as it appears to us, that an engine might be invented for the effectual oppression and ruin of his Lordship's rivals in trade, and for the promotion of those schemes of monopoly and colonization, which, if success in them was not absolutely impracticable, could alone prosper by the destruction of the Canadian trade.

It is intended in pursuance of the Resolutions, to appoint Dependants of Lord Selkirk and the Hudson's Bay Company, both Judges and Juries in causes between themselves and their opponents. These Judges and Juries so appointed and selected, are to administer impartial justice in causes where their immediate interests must be always in question, and where between the parties there must necessarily exist a certain state of rivalship and animosity. The Canadian Defendants in these suits have never hitherto acknowledged the jurisdiction of their opponents, and will not now feel more disposed, from the violence of these measures, to respect its authority. The natural consequence of attempting to enforce by the Sheriffs a verdict obtained from such a Court, will be resistance by arms upon the plea of self-defence; and each individual will conceive himself entitled to defend his person and property against what he considers incompetent and illegal authority. These disputes must end in bloodshed, and the scene will be in many instances from one to three thousand miles from the residence of the Chief Governor of the Hudson's Bay Company, in a country where the strong must prevail against the weak, and where it would scarcely be practicable even to enforce the due execution of acknowledged law.

The Hudson's Bay Company, in making appointments under the present Resolutions, appear also to have in view those persons for carrying their objects into effect, who may do so with the greatest rigour, and whose conduct and character may not entitle them to a respect which the appointment should create. If authority of so grave a nature could be legally exercised, probably it might be safe in the hands of such a respectable person as Mr. Semple, nominated Governor in Chief of Rupert's Land, although he still must have in view the interests of his employers; but it scarcely could have been believed, that the Directors should appoint Mr. Miles Mac Donell one of the Chief Governors and Judges, who has hitherto shown himself a most violent partizan in the country, and not over scrupulous in the means he has employed to promote the objects of his patron Lord Selkirk. The persons appointed Counsellors and Sheriffs are of a description perfectly unfit for those situations; possibly they may be able to read and write, but beyond those qualifications, they can possess none fitting them for such trusts, or to have power such as the Resolutions of the Hudson's Bay Company would invest them with, over the lives and properties of their fellow subjects.

From Lord Selkirk's acquisition of the majority of votes, the Hudson's Bay Company may be said to center in one individual. The Governor and Court are merely his agents, and the remaining Proprietors, bound by the sense of the majority, can make no opposition. Without intending the slightest imputation on the Directors, they can have only the option of resignation, in the event of difference of opinion with his Lordship, and the re-election of their successors must depend solely upon his decision. In this manner his Lordship has acquired the immense grant of land before stated, and no attempt till the present one, has ever been before made to take advantage of the supposed Territorial Rights under this Charter. We humbly conceive, therefore, that before a title can be secured by length of possession, it ought to be made the subject of enquiry by His Majesty's Government, and directions given to the Attorney-General to eject his Lordship from the occupancy of the land in question at the suit of the Crown, to whom it can alone belong.

It is unnecessary to add any remarks on the manifest partiality and injustice that must accrue from a jurisdiction so constituted as the one now sought to be established, or further to detail the serious evil consequences that must ensue from it. We have only therefore to beg, you will be pleased to represent to Earl Bathurst the situation in which the Canadian Traders and their Servants (to the number of probably 2000 persons, the greatest part of whom have been for the last thirty years, and are now actually resident and trading in the Territories over which the jurisdiction is claimed to extend) will be placed by the operation of this proceeding of the Hudson's Bay Company, and to pray on their behalf the interference of His Majesty's Government, to prevent the exercise and consequent abuse of this assumed judicial power. We do not deny that violences have been occasionally committed on both sides, and to show that we have some better proof in our possession than that adduced by Lord Selkirk against the Servants of the North-West Company, in his Letter to the Governor of the Hudson's Bay Company, transmitted by them to Lord Bathurst, and by you to us in your Letter of the 2d March, we inclose a Copy of Instructions from Lord Selkirk, of which we possess the original, to one of the Servants of the Hudson's Bay Company, from some parts of which it will appear that his Lordship supposes the Clause in the Charter, authorizing the Company to make war, and "right and recompense" themselves by hostilities against any persons interrupting or injuring them in their trade within the territories and limits of their Charter, as effectual for his purposes as the authority under which he now seeks to establish his jurisdiction. His Lordship's intentions indeed appear in the present proceeding more favourable towards the Canadian Traders: it is now proposed, first to obtain a verdict from his Dependants and Servants, before the property of his rivals is seized and destroyed; whereas, in the Letter inclosed, his Lordship directs seizure and destruction upon the sole assertion, that the Territory of the Hudson's Bay Company had been violated by mere occupation, which in this particular instance relates to a country where the Canadians have been settled for thirty years, and where the Hudson's Bay Company had never formed an establishment.

Before the undertaking of his Lordship, the disputes alluded to were of perpetual occurrence, but they were never of much consequence, and subsided nearly as soon as they arose. Complaints were made from and of both parties, and before they were enquired into, the causes had generally ceased. These disputes certainly too, occasionally led to the commission of crimes, to restrain which, the Act of the 43rd of the King was passed, and which having been put in force by the trial of offenders at Montreal, has had a proportionate effect.

His Lordship's attempt to colonize Assiniboin has also led to more serious difficulties (we allude to the jealousy of the Indian Tribes, as well as to the distresses of the Colonists), and these would probably attend the next attempt of the same nature his Lordship may think it equally prudent to make, either in the interior of Africa or of America. Such difficulties are always attendant on similar undertakings, and form part of the risk of them. We beg, however, to assure Lord Bathurst, that we should be too happy, if a feasible plan to restrain violences could be pointed out by the Hudson's Bay Company, to concur with them in it, but this has only appeared possible to us by placing those Territories under the jurisdiction of the Canadian Courts, to which they in fact properly belong, and where an equitable administration of justice is secured to all parties. Perhaps a Charter of Justice from the Crown might be resorted to, but whether it is fair to call upon the Public to bear the expence, and whether the same difficulty which is experienced in remote Provinces, of finding competent persons to superintend the administration of Justice, might not still more forcibly apply to the interior of North America, are points of which His Majesty's Government in their wisdom will readily determine.

We have the Honour to be, &c.

(Signed) M'TAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXVI.

London, 1st Feb. 1816.

Henry Goulburn, Esq.

SIR,

HOWEVER unwilling we feel again to trouble you on the subject of the conflicting claims of the Canadian Traders, and the Hudson's Bay Company and the Earl of Selkirk, we find ourselves compelled by the following circumstances, which we beg you will lay before Earl Bathurst, to entreat the interference of His Majesty's Government, that some measures may be taken, at least to prevent the recurrence of these scenes of violence and animosity, which have unfortunately taken place, and which have terminated, as we predicted in our Letter of the 29th May, 1815, would be the case, in more instances than one, in bloodshed, and the loss of lives.

We had hoped this dispute was in a fair train of judicial decision, by the trial of Lord Selkirk's Governor and Sheriff, who were committed in Canada for seizing and confiscating the property of the Canadians; but it now appears (although a True Bill for Larceny has been returned against them by the Grand Jury of Montreal) from the best Legal Opinions in this Country, it will be impossible to proceed further, as the Defendants evidently acted under a misapprehension of authority, and no sufficient proof can be adduced of a felonious intent. We have therefore lost no time in writing to Canada to drop these proceedings, and it is not in our power to substitute in their place any action for damages, as the Act under which their trials might otherwise have been conducted, confines the jurisdiction of the Courts in Canada over the Indian Countries, to criminal cases.

The Legal Opinions we have taken upon the whole subject in this Country, are quite decided as to most of the powers granted by the Charter to the Hudson's Bay Company, and especially those under which the Company claim to seize persons and confiscate property; they also leave no doubt as to the invalidity of the Grant to Lord Selkirk, or to the extension of any grant or power purporting to be made by the Charter, beyond the immediate confines of the Bay. We would willingly, were it in our power, institute any process in this Country, by which the question could be decided, but we are advised it would be scarcely practicable, and if at all so, not in any way from which an immediate or satisfactory decision could be expected, and it is not till we have perfectly ascertained the difficulties in our way, that we have considered ourselves again justified in intruding the subject on His Majesty's Government.

Although we are not disposed to trouble you with any detail on the part of the North-West Company, in answer to the allegations we understand to be adduced by Lord Selkirk, and the Governor and Directors of the Hudson's Bay Company, respecting the conduct of the Canadian Traders in the Interior, during last winter, we cannot omit the opportunity of stating, that we are ready, whenever we may be called upon for that purpose to bring forward satisfactory proof of the justice of their proceedings, and that if they have been called upon to defend their persons and property, against attempts repeatedly made upon both, under the plea of rights contained in this extraordinary Charter, they have not done so without due regard to the acknowledged Laws of their Country.

We do not presume to point out the particular proceeding which in this case would be satisfactory to ourselves: our sole object is to put an end to violences and bloodshed; and we are perfectly satisfied that in the discussion which such proceedings must give rise to, the interests of His Majesty's Canadian Subjects will at least meet with as favourable consideration from His Majesty's Government, as those of their opponents.

We have the Honour to be, &c.

(Signed) M'TAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXVII.

(Copy.)

London, 1st *March*, 1816.

Henry Goulburn, Esq.

SIR,

We are unwilling, so soon after our application of the 1st ult. to intrude again, upon the subject of the Hudson's Bay Company and Earl Selkirk's proceedings in Canada, but the last accounts from that country are of so alarming a nature, and the season is so far advanced, that we trust you will excuse us for entreating the immediate interference of His Majesty's Government, that some measures may be taken, not only to prevent the recurrence of the scenes which have already taken place in the interior, but the threatened commission of still greater violences, under the newly assumed powers of the Hudson's Bay Company.

To aid these further, his Lordship has now been appointed Justice of Peace to act in the Indian Country, under the provisions of the 43rd of the King, and has actually engaged 300 voyageurs in Montreal, to accompany him to the interior on the opening of the navigation, equally to oppose the trade of the Canadians, and we suppose to assist as Constables, in the execution of such legal acts as in his judgment may be applied, with the same intent, and with the best hopes of success, from either of the authorities with which he is now armed.

We do not venture to suggest the remedy which it may be in their power, or appear eligible to His Majesty's Government to provide in this case, but we are certain if some measure is not adopted to define, without delay, the limits, power, and authority of the Hudson's Bay Company, a contest will ensue in the interior, the results of which will be dreadful, both with respect to loss of lives and property.

We take the opportunity of inclosing for your perusal, although, indeed, after all the trouble we have given you on this subject, we can scarcely request your attention to it, copies of a Correspondence which has passed in Canada between Lord Selkirk and the North-West Company.—The latter have offered in it, as you will see, to give up one whole third of the Trade, for the sake of peace, which is double the amount ever before possessed by the Hudson's Bay Company, or to divide the country by a fair arrangement, calculated upon the returns of both parties. Both these offers are rejected, and from the manner in which the correspondence is conducted on his Lordship's part, it is apparent that no hope of reconciliation in that country is left. We therefore trust, we may find an excuse with you, from the urgency of the case, in repeating our application on the subject.

We have the Honour to be,
Sir,
Your most obedient Servants,
(Signed) M'TAVISH, FRASER, & Co.
INGLIS, ELLICE, & Co.

No. XXVIII.

Deposition of Daniel Mackenzie.

Daniel Mackenzie, a retired or dormant Partner of the North-West Company, according to the constitution and terms of Partnership thereof, being present at Notawasaga, in the Province of Upper Canada, maketh oath, and (after detailing the capture of Fort William by the foreign soldiers in the employment of the Earl of Selkirk, together with the arrest of the Partners, and the seizure of the Papers and Property belonging to the North-West Company, according to the accounts previously given) further saith, That on or about the eighteenth day of August last past, being the day on which William M'Gillivray, John M'Laughlin, Allan Macdonell, Simon Fraser, John M'Donald, Hugh

M'Gillis, Kenneth Mackenzie, and Alexander Mackenzie, were sent off as prisoners from Fort William, he this Deponent was extremely desirous of accompanying them, and accordingly made several applications to the said Earl of Selkirk for that purpose, who, however, refused such request, and ordered this Deponent to be detained, which was accordingly done, and the Deponent was confined for several days afterwards a close prisoner in his own room in Fort William aforesaid—That some days afterwards one M'Pherson, who is in the employ of the said Earl of Selkirk, came into this Deponent's room, and searched his trunk, by order, as the said M'Pherson stated, of the said Earl, for the purpose of seeing whether the Deponent had any more papers; and that some days afterwards this Deponent was, by order of the said Earl, confined a close prisoner in a prison at Fort William aforesaid, which was erected as a common prison for the adjacent parts of the Indian Territory, sometime after the first establishment of the Magistracy for these Territories, where the Deponent was kept in the dark, except as to such light as pervaded the chinks in the building, there being no window in the dungeon in which he was so confined—That whilst this Deponent was so confined in the said dungeon, the said M'Pherson, Miles Macdonell, a Dr. Allan, who was also in the employ of the said Earl, and some others, came frequently to him, to persuade him to submit himself in all respects to the said Earl, and to yield obedience to whatever he might direct, telling the Deponent, that the evidence against him with regard to the destruction of the Settlement of the Red River was very strong; that it would be a very serious business for the Deponent; that the other Partners of the North-West Company were utterly ruined, and would certainly suffer, and that it was a folly for the Deponent to sacrifice himself and his family for persons who did not care for him, and incessantly using other representations of the same kind, tending to induce the Deponent to yield the most implicit submission and obedience to whatever they or his Lordship might dictate; and that the Deponent being at length wearied out with the hardship of his confinement and their importunities, and having expressed to the said Captain D'Orsonnens a disposition to conform himself to their advice in case he was released from the said dungeon, the Deponent was removed therefrom into another building at Fort William aforesaid, where he was still kept confined a close prisoner under a guard—That from the time of the Deponent's being so removed from the said dungeon, impressed as his mind was with the hardships he had suffered, the danger in which he imagined his life was, and the constant suggestions and importunities of those around him, he did accordingly yield implicit submission and obedience to whatever they dictated, being frequently also in a state of intoxication, and accordingly for a period of six weeks or thereabouts next following, was in the habit of writing whatever letters or other papers were dictated to him—That the said Miles Macdonell was very frequently with the Deponent, to induce him to write or sign different papers, sometimes dictating to him verbally, and making the Deponent write what he so dictated, and at other times bringing him drafts of letters or papers, for the Deponent to copy in his own hand-writing—That amongst various papers which were delivered to the said Deponent by the said Miles Macdonell, the paper-writing hereunto annexed, marked A, is one, the first side whereof is wholly in the hand-writing of the said Miles Macdonell, the former part thereof being a representation made to the Deponent by the said Miles Macdonell, and the latter part thereof a draft of a letter which was afterwards written by the said Miles Macdonell, to be copied and signed by the Deponent as a letter from him to the said Earl of Selkirk, and which was accordingly copied and signed by the Deponent, and delivered, as he believes, to the said Earl—That the paper-writing hereunto annexed, marked B, was originally written during the same period of the Deponent's imprisonment, subsequent to his release from the said dungeon at Fort William aforesaid, by him, this Deponent, from the verbal dictation of the said Miles Macdonell, who afterwards perused and corrected the same, and accordingly made the several interlineations and alterations appearing to have been made therein in the proper hand-writing of him the said Miles Macdonell, and directed this Deponent to copy the same as so altered, which the Deponent accordingly did: And that the Paper-writing hereunto annexed, marked C, is accordingly one of the first Copies thereof so made by this Deponent, by the direction of the said Miles Macdonell, which said last-mentioned Paper, marked C, having been again corrected by the said Miles Macdonell, as now appears upon the face thereof, was ultimately again copied by this Deponent by his direction, and signed by the Deponent, and afterwards, as the Deponent believes, transmitted to Mr. Cuthbert Grant by the said Earl of Selkirk, the said Miles Macdonell having informed the Deponent that the said Earl was very well pleased with it, or to that or the like effect—That upon one of the visits which the said Miles Macdonell made to the Deponent during the latter part of his said imprisonment, the said Miles Macdonell informed him one day, that it was the request of the said Earl, that he this Deponent should write a letter to his namesake at Nipigon, (meaning one Roderick Mackenzie, who was then in charge of the Post there), advising him to keep back the packs in his possession, as an indemnification for whatever the Company might be indebted to him, as they were quite ruined, *and that perhaps he might find a passage for them by the way of the Hudson's Bay*, but which Letter the Deponent believes he never did in fact write—That on or about the eleventh day of October now last past, the said Earl of Selkirk came to the Deponent, having provided a canoe at Fort William aforesaid for that purpose, and ordered the Deponent to embark for Montreal, asking him at the same time, *whether he had written a circular letter to the Clerks and Partners of the North-West Company in the interior, to the same purport as the one which he had been desired to write to his namesake; and upon the Deponent answering in the negative, replied, that the Deponent should give the said Miles Macdonell their names, and that he should write to them in the name of the Deponent,* or to that or the like effect—And the Deponent, Daniel Mackenzie, for himself further saith, that the three several Paper-writings hereunto annexed, marked D, E, and F, were also some of the papers which were so delivered by the said Miles Macdonell to this Deponent, during the period of such his imprisonment at Fort William, as hereinbefore mentioned; the said Paper-writing marked D, being in the hand-writing of the said Miles Macdonell, and the said two Paper-writings marked E, and F, being, as this Deponent believes, *in the hand-writing of the said Earl of Selkirk; the two said several Paper-writings marked* D, *and* E, *being drafts of papers, which the said Earl and the said Miles Macdonell required this Deponent to copy, and address to the said Earl*—That on or about the nineteenth day of September, now last past, and whilst this Deponent remained a prisoner at Fort William as aforesaid, he this Deponent, *by the direction of the said Earl of Selkirk, and the said Miles Macdonell, and other persons in his employment, signed and executed several papers,* of some of which the four several Paper-writings hereunto annexed, marked respectively, G, H, I, and K, are, as the Deponent believes, respectively true copies, the same being respectively copied from papers now in the possession of the Deponent, which he believes to be Duplicates of four of the said papers so signed and executed by him, which said four several last-mentioned Papers so signed and executed by the Deponent, are at present, as the Deponent believes, in the possession of the said Earl of Selkirk—And the said Deponent, Daniel Mackenzie, for himself further saith, that having at length, *in consequence of such his implicit obedience and submission to all the orders and commands of the said Earl of Selkirk* and the persons in his employ, been ultimately discharged from such his imprisonment at Fort William aforesaid, and feeling great regret and compunction at his having been so compelled to execute Papers which might possibly be so highly detrimental to the interests not only of the Deponent, but of the other Partners of the said North-West Company, the Deponent, on his arrival at Drummond's Island, *which was the nearest place to Fort William aforesaid, at which any Notary-Public resided,* went, on or about the eleventh day of November now last past, before Mr. James Gruet, a Notary-Public, and David Mitchell, Esq. a Justice of the Peace, both resident there, and in their presence made and subscribed the Protest or Paper hereunto annexed, marked L, and that the representations therein contained, with regard to the influence under which this Deponent was induced to execute the several Instruments or other Paper-writings therein mentioned, are in all respects true—And the said last-mentioned Deponent, Daniel Mackenzie, for himself further saith, that during one of the conversations which took place between him this Deponent and the said Miles Macdonell, during the time whilst this Deponent was so detained as a prisoner at Fort William aforesaid, during the month of September now last past, the Deponent one day asked the said Miles Macdonell, whether it was possible that the Earl of Selkirk intended to ruin all the Partners in the North-West Company? who replied, No, only the Heads of them, *such as Mr. William*

M'Gillivray, Sir Alexander Mackenzie, and the Great Men at home connected with the Company; and that amongst others, *Mr. Richardson must fall;* but that the Deponent had nothing to fear—And the said Deponent further saith, that during the period of his said imprisonment at Fort William as aforesaid, amongst other inducements which were holden out to the Deponent to yield obedience to the commands of the said Earl of Selkirk, the said Captain D'Orsonnens came to the Deponent one day, and told him, that if he would follow his Lordship's fortunes, he would give him a Township of ten thousand acres of land, provided he would procure four persons to settle upon it, and that he might live happily upon it with his family—And the said last-mentioned Deponent for himself further saith, that the whole of the said Establishment called Fort William, with its appurtenances, and all the Furs and Merchandizes whatsoever in or about the same, of the value, as the Deponent supposes, of from One to Two Hundred Thousand Pounds sterling, are at present, as the Deponent verily believes, in the sole possession of the said Earl of Selkirk.

(Signed) DANIEL M'KENZIE.

Sworn at Notawasaga, in the
Province of Upper Canada,
this 2d December, 1816,
before us,

W. B. Coltman;
J. Fletcher.

(A)

[The Reader is requested to observe, that the words printed within crotchets [ ] were struck through with a pen in the MS.; and that the words printed in *Italics*, are in the hand-writing of Mr. Miles Macdonell.]

1st, [*You D. M. K. as one of the Partners, represent the N. W. Co. here at present, and being the only one, can act* *for them and yourself, the]. All the Company's stores and property here are at your disposal, and your sale of them is legal. By this, you can secure to yourself all the money which the Concern owes you, and keep the overplus in your hands, until a legal demand be made on you to pay to those who may be entitled to receive the same. You cannot only legally dispose of the goods, and other loose property here, but you may sell the buildings, with the soil on which they are built, provided you can find a purchaser.*

I have been thinking that, as a Partner of the N. W. Co. and the only one here at present, that I can act for them and myself; that all the Company's stores and property here are at my disposal; that my sale of them is legal, by which I can secure to myself all the money which the Concern owes me, and keep the overplus in my hands until a legal demand be made upon me to pay to those who may be entitled to receive the same; that I can not only dispose of the goods, and other loose property there, but may also sell all the buildings, with the soil on which they are built, provided I can find a purchaser.

The provisions purchased at Mackinac

I have been thinking, that, as a Partner of the North-West Co., and the only one here at present, that I can act for them and myself, and that all the Company's stores and property here are at my disposal [property in Land].

That my sale of them is legal, by which I can secure to myself all the money which the Concern owes me, and keep the overplus in my hands, until a legal demand be made upon me to pay those who may be entitled to receive the same; that I cannot only dispose of the goods, and other loose property here, but may also sell the buildings, with the soil on which they are built, provided I can find a purchaser.

[The Reader is requested to observe, that in the following Documents, B, and C, the words printed within crotchets [ ] were struck through with a pen in the MS.; and that the words printed in *Italics*, are Interlineations in the hand-writing of Mr. Miles Macdonell, substituted for the words struck out.]

(B)

Fort William, on Lake Superior, Sept. 1816.

Dear [Roderic] *Sir,*

By a canoe that returned from near the Mountain Portage, you must have heard of the events that have taken place here. Mr. M'Gillivray, and all the Partners [that were here] including myself, were made prisoners. All the Gentlemen are sent down *prisoners, to take their trial at York, U. C. as aiding, abetting, and instigating to murder.* I only am detained here. The *dreadful* massacre that has taken place in Red River, is the *principal* cause of all this. *The N. W. Co. is ruined beyond a hope, the packs will not go down, nor will goods be permitted to enter, the interior of the Red River being declared in a state of rebellion.* Lord Selkirk [who is here now] may soften matters in your favour, provided you will *make a submission in time, and* honestly own all that you know about the instigators of this horrid affair. [I have his Lordship's command to tell you so, and I would advise you]. *I have heard as much, though not direct from his Lordship, and I* would advise you, as your own, and the friend of your deceased father, to [submit to his Lordship's pleasure] *come forward immediately with some proposal, to save yourself and the unfortunate half-breeds who were guilty of such enormities.* You should also explain to those deluded [half-breeds] *young men, whom you may save,* that it was the ambition of others that has [ruined] rendered us all miserable: this is the real truth. *I am happy to learn that you endeavoured to save Gov. Semple's life: this is much in your favour.* I have told his Lordship all that I knew, or could recollect. There is a

Proclamation by His Excellency Sir J. C. Sherbrooke, to detect all those guilty of offences committed in the Indian Countries. I do not yet know what his Lordship intends to do with myself: the only advice I have to give you is, to submit. *By Letters and other Papers found here, too ample proofs are against us, of the part we have been blindly led to take in the destruction of the Colony on Red R.*

(C)

Mr. Cuthbert Grant.

Dear Sir,

By a canoe that returned to the interior from near the Mountain Portage, you must have heard of the events which have taken place here. Mr. M'Gillivray, and all the Partners [including myself] were made prisoners; all the Gentlemen are sent down prisoners, *under a strong guard*, to take their trial at York, Upper Canada, as aiding, abetting, and instigating to murder—I only am detained, waiting Lord Selkirk's pleasure for my disposal. The massacre that has taken place this year in Red River, is the principal cause of all this. The North-West Company is ruined beyond a hope; our packs are not to be sent down, nor will goods be permitted to go into the interior, the Red River Department being declared in a state of rebellion. By *the evidence of many of our own men, strengthened by that of* Letters and other Papers found here, too ample proofs I fear are against us, of the part we have been blindly led to take, in the destruction of the Red River Settlement. Lord Selkirk may perhaps soften matters in your favor, provided you make your submission in time, and honestly own all you know about the instigators of this horrid affair. *I have heard as much, though not direct from his Lordship;* and as the friend of yourself and your respected deceased father, I would advise you to come forward immediately with some proposal, to save yourself and the unfortunate half-breeds who [are] *were* guilty of such enormities; you should also explain to all these deluded young men, whom you may see, that it was the ambition of others which has rendered us all miserable [(I mention no names). I am happy to learn, as reported here, that you endeavoured to save the life of Gov. Semple: this of course is much in your favour.]

I inclose you the Governor-General's Proclamation, lately received here, several copies of which have been *sent* enclosed from head-quarters to every Magistrate for the Indian Territories. I also enclose you a copy of Law Opinions taken in England, on the H. B. Charter, and [also the Law] *the* Opinions *of the best-informed Lawyers* in Lower Canada, to shew you what small chance we have to go to law, even in the Courts of Canada, as were always held out to us by people who thought themselves wiser than we are.

(D)

[The Original of this Document is *wholly in the hand-writing of Mr. Miles Macdonell.*]

In the name of the North-West Company, I hereby authorize your Lordship to take possession of the Furs at this Post packed up for exportation; and consisting of packs marked NW, and numbered from to 1175; and packs marked A, and numbered from 1 to ; and also 23 bags of castorum, all of which I hereby sell to your Lordship for the sum of One Hundred Pounds lawful money of Great Britain, but under the following condition, viz. That if my Partners acquiesce in the submission for referring to Arbitration the differences between your Lordship and the North-West Co. for consigning those Furs to the Arbitrators, then this sale to be null and void, and your Lordship shall in pursuance of our agreement, consign these Furs to some respectable Mercantile House in London, to be held at the disposal of the Arbitrators, who may be nominated by the Chief Justices of the Courts of

King's Bench and Common Pleas at Westminster, according to the submission.

I have
signed, sealed, and delivered
in presence of
no Stamps being required in this
Province.
Nineteenth.

(E)

[The Original of this and the following Document, *are wholly in the handwriting of the Earl of Selkirk.*]

I hereby agree to sell you the Cattle belonging to the N. W. Co. at Lake La Pluie, and in Fond du Lac, at the prices affixed to the same in the last Inventories; or if these cannot be found, at the prices affixed to Cattle of the same ages and descriptions in the Fort William Inventory of this year.

(F)

For the Agreement suggested by Captain Macdonell, the following Papers will be requisite :

1. Submission—referring to Arbiters all differences (of a pecuniary nature) between the E. of S. and the N. W. Co., aud binding both parties to pay any sum awarded against them on account of damages arising from the acts of their Agents, Servants, &c. &c. Award to be made within three years of this date at *farthest.*

2. Agreement—That the Furs now at Fort William shall be consigned to the Arbiters, and that the E. of S. shall vest in them an estate of equal value, both to remain in the hands of the Arbiters till their final Award.

3. Indenture of Bargain and Sale of the Goods and Chat-

tels (Furs excepted) now at Fort William, at cost and charges. Payment to be made within a year after the Award of the Arbiters.

4. Schedule or Inventory, and Valuation of the Goods and Chattels sold and delivered in pursuance of the above bargain.

5. Indenture of Bargain and Sale of the Fort, and Tenements adjacent, for a fixed price.

6. Bond by the said E. of S. for the price, payable after the Awards of the Arbiters.

Note.—*The Documents* G, H, I, *and* K, *being only a repetition of the foregoing Drafts*, D, E, *and* F, *extended into formal Agreements, it is deemed unnecessary to insert them.*

(L)

I, Daniel Mackenzie, Esquire, a retired Partner of the Firm of the North-West Company, having been detained a prisoner at Fort William by Lord Selkirk's orders, from the 13th August to the 11th October, 1816, during all which time I was in a state of inebriety and actual derangement of mind, did, by the persuasion of Lord Selkirk and his Agents, sign certain Papers and Instruments of Writing, purporting to be a Sale of Goods, Packs of Furs, Vessel on the Stocks, and Indenture of Agreement to leave to Arbitration, certain disputes and differences between his Lordship and the North-West Company, and a Letter to the Interior, stating that the North-West Company were ruined, &c. &c., *all which Papers were dictated by his Lordship and his Agents;*—therefore, from the causes above, the dread of a long imprisonment, and in hopes of obtaining my liberty, I did sign the said Papers, although unauthorized so to do:

Therefore I do by these Presents, now that I have my liberty, *solemnly protest* against all acts done by me during the period above stated.

In witness whereof, I have signed and sealed these Presents, at Drummond's Island, this 11th of November, A. D. 1816.

(Signed) DANIEL MACKENZIE.

Signed and sealed in the
presence of

Js. Gruet, Not^y. Publ^c.
D. Mitchell, J. P.
William Smith, Witness.

No. XXIX.

Deposition of Robert M'Robb.

Robert M'Robb, of the City of Montreal, in the Province of Lower Canada, maketh oath and saith, That he was present at Fort William, on the River Kaministiguiâ, at the time of the capture thereof by the forces under the command of the Earl of Selkirk, on or about the thirteenth day of August now last past, and has a knowledge of the general circumstances of that affair, and which took place at Fort William aforesaid from that time to the period when the Deponent left the same for Montreal, which was on or about the third day of September following; that the Deponent recollects, amongst other things, that Daniel Mackenzie, one of the Partners in the North-West Company, was during that interval imprisoned for several days, by order of the said Earl of Selkirk, in a building belonging to Fort William aforesaid, in which there is no window, and was afterwards confined to a room under the charge of a Sentry, in which latter situation the Deponent left him at the period of this Deponent's quitting the Fort; and that one Miles Macdonell, and others in the employment of the said Earl of Selkirk, were, during such imprisonment of the said Daniel Mackenzie, frequently in his company; but that the Deponent does not know what passed between them—And this Deponent further saith, that he left Montreal on or about the fourth day of October now last past, in company with Pierre De Rocheblave, one of the Partners of the said North-West Company, for the purpose of proceeding to Fort William aforesaid, to take possession thereof, and of the stores at that place, which were then in the possession of the said Earl of Selkirk, in case of their procuring any legal compulsory Process or Order from the Government for that purpose, which Process or Order would, as the Deponent understood, be endeavoured to be procured by some other persons belonging to the said North-West Company, who were gone to York or Sandwich for that purpose, and with which, if so obtained, they were afterwards to join the said De Rocheblave and the Deponent at Sault St. Marie's, on their way to Fort William; that the said De Rocheblave and the Deponent, with their party, arrived at Sault St. Marie's aforesaid on or about the nineteenth day of the said month of October, where the Deponent remained with the said De Rocheblave, in expectation of the said other persons who were to join them with such Process or Order from York or Sandwich, until the twenty-sixth or twenty-seventh day of the said month; at which time the said Deponent left Sault St. Marie's aforesaid, in order to proceed to Fort William, leaving the said De Rocheblave still at Sault St. Marie's, the said other persons who were to bring such Process or Order, not being then arrived—And this Deponent further saith, that during his stay at Sault St. Marie's, one Robinson, who was, as the Deponent understood, a constable, or public officer of some such description, arrived at Sault St. Marie's from York, with some Process, which he was, as the Deponent also understood, to serve on the Earl of Selkirk at Fort William, and which was, as the Deponent believes, a Writ of *Habeas Corpus* for the said Daniel Mackenzie; and that there was also, during such the Deponent's stay at Sault St. Marie's, a Warrant issued by David Mitchell, Esquire, who is, as the Deponent believes, one of His Majesty's Justices of the Peace for the Western District of Upper Canada, against the said Earl of Selkirk, and several other persons, either for Felony, or some other offence supposed to have been committed by them, in relation to their having so seized and taken possession of Fort William and the property therein, and which Warrant, it was also intended, should be executed by the said Robinson, on his arrival at Fort William—That the Deponent accordingly left Sault St. Marie's on or about the said twenty-sixth or twenty-seventh day of October, in company with the said Robinson, and one John Duncan Campbell, a Partner of the said

North-West Company, (whom they were to leave at the Pic, on their way up), for the purpose of serving such *Habeas Corpus*, and executing such Warrant, but without any force to compel obedience thereto, having with them only the crew of the canoe in which they travelled, consisting of twelve Canadians and themselves, the three beforementioned passengers; that after leaving the said Mr. Campbell at the Pic aforesaid, and taking in his stead Mr. John M'Bean, another Partner of the said North-West Company, they accordingly proceeded to Fort William aforesaid, where they arrived about three o'clock in the afternoon of the seventh day of November now last past—And this Deponent further saith, that on their so arriving at Fort William, he this Deponent, immediately upon their landing, accompanied the said Robinson to the house in the said Fort, occupied by the said Earl of Selkirk, where the said Robinson going into the room in which the said Earl there was, arrested him, as the Deponent believes, in the King's name, under and by virtue of the said Warrant; and having committed him to the custody of Mr. John Warren Dease, another Clerk of the said North-West Company, who was then near the said house, by commanding the said Dease to go in, and take charge of the Prisoner; and immediately afterwards proceeded to arrest one Captain Matthey, and one John M'Nabb, who were then in other houses within the said Fort, and whose names were, as the Deponent believes, also included in the said Warrant—And this Deponent saith, that in the evening of the same day, whilst the Deponent, together with the said Robinson and the said John Warren Dease, were in a room called the Council-room, belonging to the said Fort, the said Captain Matthey came to them, and told them that the Earl of Selkirk had sent him to order them all out of the house, but that as it was a stormy night, his Lordship would permit them to remain in one of the summer-houses, in which there was no fire, during that night; to which the Deponent and the others, having stated to the said Captain Matthey, that they were determined not to quit the house, unless they were forcibly compelled so to do, and that they conceived that he, the said Captain Matthey, being himself legally a prisoner, could have no orders to give them which they ought to obey; the said Captain Matthey replied, that he should then make use of the means in his power, to enforce obedience to his orders, and immediately left them for the present—That about eight o'clock the same evening, the said Captain Matthey returned into the room where the Deponent, the said Robinson, and Dease were, bringing in with him seven armed men in the uniform of the late regiment De Meuron, all of them having muskets or fusils, and four of them bayonets fixed, and which armed men the said Captain Matthey accordingly placed as a guard over the Deponent, the said Robinson, and the said John M'Bean, who had also come ashore with them, and that they all three remained under guard, and, as the Deponent conceives, in the charge and custody, or under the superintendance of the said armed men and others in the same uniform, who were from time to time sent to relieve them, until the Saturday following, being the ninth day of the said month of November, at which time the Deponent left the Fort to return to St. Marie's—That on Friday the eighth day of the said month of November, during the Deponent's stay at Fort William as aforesaid, the Deponent and his party being in want of provisions, he the said Deponent told the said Earl of Selkirk, that he understood that the said Earl was in possession of the keys of the North-West Company's stores, and requested that he would deliver them, or direct that they should be delivered to the Deponent, or give orders that the Deponent and his party should be supplied with such articles out of the stores as they had occasion for; but which the said Earl refused, saying that *he supposed the Deponent must be aware that the North-West Company had no stores there*, or somewhat to that or the like effect; that the Deponent thereupon told the said Earl, that he the Deponent had heard of some transaction having taken place between him and the said Daniel Mackenzie, but that he did not conceive that any sale could be valid that was made by a person *who was a prisoner at the time, and who had been confined in the common gaol, and kept in a continual state of intoxication;* that the said Earl thereupon answered, that the Deponent was totally misinformed as to the facts; to which the Deponent replied, *that he had himself been an eye witness of the said Daniel Mackenzie's confinement, and of the state in which he was always kept, until the time of the Deponent's leaving the Fort;* whereupon the said Earl said, that it was not to the Deponent that he had to answer, or somewhat to that or the like effect—That on the same day the said Robinson asked the said Earl, in the presence of the said Deponent, whether he meant to yield obedience to the said Warrant or not; to which the said Earl answered, that he certainly did not; that the said Captain Matthey also declared, during the Deponent's stay at Fort William as aforesaid, that if he had known at the time of their approach to the Fort, what their errand was, he would certainly have shut the gates, and not have permitted them to enter, or have got into a canoe and been off, and that the Deponent and his party might then have whistled for them —And this Deponent further saith, that finding that it was the determination of the said Earl of Selkirk, and the other persons who had been so arrested by the said Robinson, to persist in their refusal to yield obedience to the said Warrant, and that instead of being permitted to complete the execution thereof, by bringing away the persons they had so arrested, the said Robinson and the Deponent appeared to be themselves regarded as prisoners, being kept under the charge or superintendance of a military guard, as before mentioned; and being moreover short of provisions, with which the said Earl refused to supply them, the said Robinson, and M'Bean, and the Deponent, left Fort William aforesaid on the said ninth day of November now last past, in company together, and returned to Sault St. Marie's, where they arrived on the night of the twenty-fourth day of the said month of November.

(Signed) ROBERT M'ROBB.

Sworn at the City of York,
in the Province of Upper
Canada, this Seventeenth
day of December, One
Thousand Eight Hundred and Sixteen, before us,

WM. B. COLTMAN,
J. FLETCHER.

London: Printed by B. M'Millan,
Bow Street, Covent Garden.